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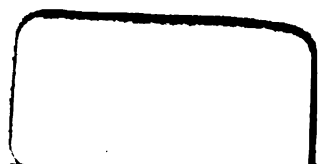
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THE
HISTORY and PROCEEDINGS
OF THE
HOUSE of LORDS,
FROM THE
RESTORATION in 1660,
TO THE
PRESENT TIME.

CONTAINING,
The most Remarkable MOTIONS, SPEECHES,
DEBATES, ORDERS and RESOLUTIONS.

Together with all the PROTESTS during that Period.

AND THE
Numbers *Pro* and *Con* upon each Division.

WITH
An Account of the Promotions of the several PEERS, and
the State of the PEERAGE in every Reign.

Connected with the Transactions of the COMMONS,
and HISTORY of the TIMES.

AND
Illustrated with HISTORICAL NOTES and OBSERVATIONS.

Together with the DEBATES in the Parliament of SCOTLAND
relating to the UNION.

To each VOLUME are added proper INDEXES.

VOLUME the FOURTH, from 1727, to 1736.

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of the Reign of King George II.*

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T H E

E R R A T A.

Page 360, read Lord Harrington. p. 393, read Strafford. p. 484, read R. Lincoln.



T H E
HISTORY and PROCEEDINGS
OF THE

House of Lords,
WITH THE
DEBATES and PROTESTS therein,
From the Accession of King GEORGE the Second.



IS Majesty King GEORGE the First died Anno 1. Geo. II. at *Osnabrug*, on the 11th of *June*, 1727, on a Visit to his German Dominions. Here-
upon the Parliament met on the 15th, the very Day after the Arrival of the Express, pursuant to the Act 4 and 5 Anne, Cap. 8. They were then prorogued, by Commission

Anno 1. Geo. II.
1727.

from his present Majesty to the 27th of *June*. Being met again on that Day, the King came to the House of Lords, and open'd the Session with a most gracious Speech, which being inserted at large in *CHANDLER'S History of the House of Commons*, We think unnecessary to repeat. Suffice it to say, that upon a Motion of the Earl of *Chesterfield*, the Lords unanimously voted the following Address of Condolence, Congratulation, and Thanks; which was presented on the 28th.

Most Gracious Sovereign,

WE your Majesty's most dutiful and loyal Subjects, The Lords Ad-
dressed of Condo-
lence, Congratu-
lation and
Thanks to King
George II. upon
his Accession to
the Crown.
The Lords Spiritual and Temporal in Parliament
assembled, beg Leave to return your Majesty our most
heartly and unfeigned Thanks for your Majesty's most gra-
cious Speech from the Throne, and to assure your Majesty, that though we are affected with the utmost Sorrow at the
Death of our late gracious Sovereign, our Hearts are at
the same time filled with an inexpressible Joy at your Ma-
jesty's

1727.

A

Anno 1. Geo. II.

1727.

‘ *your Majesty’s peaceable and happy Accession to the Throne of your Royal Ancestors.*

‘ *Your Majesty’s tender Concern for your People, and your most gracious and solemn Declaration, That you will always esteem their Love and Affection as the best Support of your Crown ; that it shall be your constant Care to preserve the Constitution of this Kingdom inviolable, as it is now happily established in Church and State; and that you will secure to all your Subjects the full Enjoyment of their Religious and Civil Rights, claims our most sincere and dutiful Acknowledgments ; and may justly be depended upon from your Majesty, who so early and so eminently distinguished yourself in Defence of the Protestant Cause, and the Liberties of Europe in general.*

‘ *Nothing can be a greater Encouragement to your Majesty’s good Subjects in the faithful Discharge of their Duty, than your Royal Approbation of that Vigour and Resolution, which was exerted in the last Session of Parliament for the Defence of the Rights and Possessions of this Nation, and for maintaining the Tranquility and Balance of Power in Europe ; nor can any Thing be a greater Satisfaction to us, than the strong Assurances your Majesty has given to all your Allies of pursuing the same Measures, and making good the Engagements enter’d into by the Crown of Great Britain.*

‘ *We are most firmly persuaded, that these many Instances of your Majesty’s great Goodness to your People justly deserve, and cannot fail of meeting with all imaginable Returns of their Gratitude and Loyalty, and we beg Leave to assure your Majesty, in the strongest Manner, of our inviolable Fidelity, and of our fixed and unalterable Resolution, upon all Occasions to maintain your Majesty’s undoubted Right and Title to the Imperial Crown of these Realms, and the several Dominions thereunto belonging ; and that we will, in pursuance of the many solemn Assurances we have already given, use our utmost Efforts to maintain your Majesty’s undoubted Right to every other Part of your Dominions, against all Attempts whatsoever, and that we will cheerfully embrace all Opportunities to support and advance the Honour and Dignity of the Crown.*

To this his Majesty gave the following Answer.

My Lords,

The King’s Answer thereto.

“ **I** Thank you heartily for this very loyal Address ; such a Demonstration of your Duty and Affection cannot but be truly acceptable to me. You may be assured that

“ **I**

" I shall, through the whole Course of my Reign, have no other View than the Interest and Happiness of my People." Anno 1. Geo. II. 1727.

The Lords having pass'd the following Bills sent up from the Commons, 1. *For the better Support of his Majesty's Household.* 2. *For supporting the Royal Dignity of the Queen, in case of her surviving his Majesty.* 3. *To enable the King to be Governor of the South Sea Company.* 4. *To continue the Imprisonment of Robert Blackburne*, &c.* 5. *For enabling Persons to qualify themselves for their respective Offices, &c.* the King came to the House on the 17th of July; and, having made a Speech to both Houses, prorogued the Parliament to the 29th of August. But on the 10th of the same Month a Proclamation was issued for their Dissolution, and for calling a New Parliament.

* See the Debate in the House of Lords, relating to the Continuance of their Imprisonment, Anno 1. Geo. I. 1714. P. 19.



The FIRST SESSION of the FIRST PARLIAMENT of King GEORGE II.

Being the Seventh Parliament of Great-Britain.

TO avoid Repetition, We shall not here give a List of the Peers at the Accession of his present Majesty, as We did at the Death of Queen Anne: But as the Scots Peers sit by Election, We shall exhibit a List of the Sixteen chosen on the 20th of September, to represent that Kingdom in the ensuing Parliament, which are as follow:

Duke of Montrose (a), Marquess of Tweeddale, Earls of Sutherland (b), Rothes (c), Buchan (d), Haddington (e), London (f), Findlater (g), Stair (h), Orkney (i), Selkirk (j). The Names of the Sixteen Scottish Peers.

(a) Keeper of the Great Seal of Scotland, (b) One of the Commissioners of Trade in Scotland, and Lord Lieutenant of the Shires of Ross, Cromarty, Nairn, Caithness, and Sutherland, and of the Isles of Orkney and Zetland, P. C. (c) Colonel of a Regiment of Foot. (d) One of the Commissioners of Trade in Scotland, and Lord Lieutenant of the Shires of Stirling and Clackmannan. (e) One of the Commissioners of Trade in Scotland, and Lord Lieutenant of East-Lothian. (f) Commissioner to the Church of Scotland, and Lord Lieutenant of the Shire of Air, P. C. (g) Knight of the Thistle, P. C. (h) One of the Lords of the Bedchamber, Colonel of Dragoons, and Lieutenant of the Shire of Galloway, P. C. (i) One of the Lords of the Bedchamber, Colonel of the Royal Regiment of Foot, and Governor of Virginia; Constable, Governor and Captain of Edinburgh Castle.

Anno 1. Geo. II. *kirk* (a), *Hoptoun* (b), *Delorain* (c), *Ilay* (d), *Marchmont*, and *Dunmore* (e).

1727-28

On the 23d of *January* the King came to the House, and open'd the Session with a Speech to both Houses : His Majesty being withdrawn, the Lords unanimously voted an Address, which, on the 29th, was presented as follows :

Most Gracious Sovereign,

Address of
Thanks to the
King for his
Speech.

WE your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, beg Leave to return your Majesty the humble Thanks of this House, for your most gracious Speech from the Throne, and to congratulate your Majesty upon the great Hopes you have been pleased to communicate to us, of seeing the publick Peace and Tranquility very soon restored.

These, we must humbly acknowledge, are the happy Consequences of that Spirit and Resolution, with which your Majesty has asserted your Rights as Sovereign of this Kingdom, temper'd with a Noble Self-Denial of all the Success and Glory that might attend your Majesty's Arms, in the Prosecution of a just and necessary War, when put in Balance with the Ease, Quiet; and Prosperity of your Subjects. It is a Disposition of Mind truly great in your Majesty, a Prince so early initiated in the Art of War, and form'd by Nature for the greatest Military Achievements, to choose rather to procure Peace for your Subjects, than to lead them to Victories ; and to adorn your Reign with the sincere and grateful Acclamations of a happy People, rather than the Splendor of Triumphs.

Your Majesty's tender and indulgent Care for the Welfare of your Kingdoms, has induced you to express so kind and affectionate a Concern for the late disagreeable Situation of Affairs, though occasioned by mere Necessity which no Human Prudence could have prevented : But whatever Inconveniencies have happened, they fall light upon us, when we observe, that your Majesty, as a true Father of your Country, feels every Uneasiness your Subjects suffer : And as your Majesty has justly rejected all Propositions, that were detrimental or injurious to your Honour, and the Interest of your People, we cannot doubt

but

(a) One of the Lords of the Bedchamber, Knight of the Thistle, and Lord Lieutenant of the County of Clydesdale. (b) Lord Lieutenant of the County of Linlithgow. (c) Gentleman of the Bedchamber to the King. (d) Lord Justice-General of Scotland, Lord Lieutenant of the Shire of Mid-Lothian, and Keeper of the Privy-Seal of Scotland, P. C. (e) Colonel of the Third Regiment of Guards.

but your Majesty's Endeavours, in Conjunction with your *Anno 1. Geo II.*
 Allies, to put an End to the Troubles and Disorders of *1727-28.*
Europe, will soon have the desired Success.

The Nature of such Negotiations could not but carry them into that Length your Majesty is graciously pleased to regret, and the Patience your Majesty has had, solely from an earnest Desire to procure to your Subjects a safe and honourable Peace, must in Duty and Gratitude animate the whole Nation with the most steady Zeal, to exert itself in vindicating your Majesty's Honour, and defending the Rights of your Crown. If contrary to Expectation, the Day should come, when the Safety of your People shall require stronger Remedies than Negotiations; we shall most chearfully in that Case, under God, depend upon your Majesty's Valour and Conduct.

We therefore humbly concur in Opinion with your Majesty, of the absolute Necessity of supporting your Allies, and promoting the mutual Fidelity, which we, with the greatest Satisfaction, observe between your Majesty and them, by continuing the Preparations that have brought us to so near a Prospect of Peace; that your Majesty, however unwilling, may not be unable to defend by Force those Rights, which we are persuaded will be maintained by amicable Measures.

The gracious Assurances from your Majesty of your Desire to reduce the publick Expence, and the full Conviction we have, that it will be managed with the utmost Care and Frugality, lay the greatest Obligations upon us to do all in our Power, to support the prudent and necessary Measures your Majesty so steadily perseveres in, for establishing a solid and lasting Peace.

Your Majesty's Condescension in acquainting your Parliament, that the Preliminary Articles, and such other Treaties and Conventions, which, without manifest Prejudice, may be exposed to publick View, shall be laid before us, is anticipating all we could reasonably ask of your Majesty in the present Conjunction.

We have a fresh Instance of your Majesty's early Application to prosecute the real Interest and peculiar Advantage of this Kingdom, by your being graciously pleased to recommend to us so important a Work, as that of the Increase and Encouragement of our Seamen. The Weight which the Naval Force of *Great Britain* has so lately and visibly had, in asserting the Honour of your Majesty's Crown, and the Rights and Possessions of our Country, is too lively upon our Minds, for us not to enter with the greatest Willingness on a Deliberation so useful and necessary, that they may be invited into the Service, by
 Means

Anno 1. Geo. II.
1727-28.

' Means more suitable to the known Humanity and Tenderness of the Prince they are to serve, and to those Liberties they are to enjoy as well as defend, than the Methods hitherto used of Compulsion.

' We cannot give better Proofs of our Duty to your Majesty, and Love of our Country, than by our Unanimity, Zeal, and Dispatch of the publick Business; and we hope this Parliament will convince the World, that none of your Subjects are so weary of their own Happiness, as out of Envy or Malice to wish a publick Distress, or to foment Difficulties at Home, in order to interrupt our present promising Expectations: We should look on such as Incendiaries, unworthy of the Name of *Britons*; they would be detested at Home, and despised Abroad, even by those whose Cause they would serve. The just Indignation such an unnatural Temper would raise in the Hearts of all your faithful Subjects, would necessarily incite them to the greater Zeal for your Majesty's Service, and Support of your Government, upon which our happy Prospect of Peace and Prosperity does depend: And as we are deeply sensible of the Happiness we enjoy under the best of Governments, administered by the best of Kings, we will shew that we know how to set a just Value on those Blessings, by admitting no other Contention amongst us, but who shall be most active and zealous in preserving them, and in promoting the publick Felicity, by rendering your Majesty's Reign as easy and glorious to your self, as it is happy and advantageous to your People.'

His Majesty's Answer.

My Lords,

His Majesty's
Answer.

" I Thank you for this very dutiful and affectionate Address, which cannot fail of having a good Effect both at Home and Abroad. The Welfare and Happiness of my People shall always take Place with me of all other Considerations; and you may be assured that the Confidence you put in Me, shall not be made use of to any other Purposes, but for the Safety, Interest, and Honour of the Nation."

Treaties, &c.
laid before the
House,

Feb. 12. The Duke of Newcastle*, by his Majesty's Command, presented to the House Copies of several Treaties, Alliances, and other Papers.

Feb. 13. The Lords, according to Order, proceeded to take into Consideration the Statute of Limitation of the 21st Year of King James I. and ordered that the Judges do prepare

* Secretary of State.

pare and bring in a Bill to enact, ' That all Demands arising from or grounded on Account, other than such Accounts as concern the Trade of Merchandize, betwixt Merchant and Merchant, their Factors or Servants, all Debts grounded on any Lending or Contract without Specialty, for which Actions shall not be commenced or sued within six Years next after the Cause of such Actions or Suit, shall be deemed extinguished in Law and Equity, as if the Cause of such Demands had never been, with such Saving for Persons under Age, &c. as are already in the Act.

Anno 1. Geo. II.
1727-28.

Bill for amending
the Statute of
Limitation, 21st
James I.

Feb. 24. The Lords order'd an Address to his Majesty, to cause the proper Officers to lay before the House, a State of the National Debt provided or unprovided for by Parliament, from the 31st of *December* 1725, to the 31st of *December* 1727, with an Account of the Produce of the Sinking Fund in each of those Years, and to the Payments of what Debts contracted before the 25th of *December* 1716, the said Fund hath been applied.

State of the Na-
tional Debt cal-
led for.

Feb. 27. The Lords read a first Time the Bill prepared by the Judges relating to the Statute of Limitation, which their Lordships read a 2d Time the next Day, and committed to a Committee of the whole House.

The Mutiny-Bill
pass'd.

March 19. The Lords read a 2d Time the Bill for punishing Mutiny and Desertion; and on the 21st went through and pass'd the said Bill without Amendment.

March 23. The Lords order'd the Bill relating to the Statute of Limitations to be ingrossed, with an Amendment, viz. ' That from the first of *June*, 1728, the filing of an original Writ or Action, and continuing the same, shall not be sufficient to exclude the Defendant the Benefit of this Act, unless he be actually arrested, or Notice given to such Defendant, within twelve Months after filing such original Writs, in all Cases where such Defendants are beyond Seas; and that nothing of this Act shall extend to *Scotland*.

Bill relating to
the Statute of Li-
mitation drop'd.

But this Bill did not pass into a Law.

It is remarkable, That the Order against the Admission of Strangers into the House was so strictly observ'd this Session, that no Account of their Lordships Speeches or Debates was publish'd, as usual, after the Recess; nor even so much as one Protest therein has yet appear'd in any Collection of Parliamentary Affairs. This we hope the Publick will the more easily excuse, when it is consider'd that in a Work of this Nature, to be absolutely compleat, is impossible.—Proceed We therefore to observe, That on the 28th of *May* the King came to the House of Peers, and prorogued the Parliament to the 8th of *August*.

The Parliament
prorogued.

The

Anno 2. Geo. II. *The SECOND SESSION of the FIRST PARLIAMENT of King GEORGE II.*

1728-29.

ON the 21st of *January* the King came to the House, and open'd the Session with a Speech : In Answer to which the following Address of Thanks was presented the next Day.

Address of
Thanks for the
King's Speech at
opening the Se-
cond Session.

Most Gracious Sovereign,

WE your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, beg Leave to offer the humble and hearty Thanks of this House for your Majesty's most Gracious Speech from the Throne ; and to congratulate your Majesty upon the safe Arrival of his Royal Highness the Prince of *Wales*.

This Happiness is owing to your Majesty's paternal Affection, and affords the highest and most peculiar Honour to this House, and a great Satisfaction to all good Subjects. The communicating to us the present Situation of publick Affairs, the giving all the Satisfaction concerning them we could reasonably desire, and the tender Concern your Majesty is pleased to express for the Suspence in which the Affairs of *Europe* are still held, and the temporary Inconveniencies to us, which of Necessity must attend it, are fresh Instances how much your Majesty has at Heart the Welfare of your Kingdoms.

However doubtful the Event of the present Negotiations may prove, which your Majesty has laboured with so much Prudence, in Concert with your Allies, to bring to an honourable Conclusion, we must with great Satisfaction observe, that our present State of Uncertainty will soon be determined, your Majesty having been pleased to declare your Opinion, in Concurrence with the most ardent Desires of all your faithful Subjects, that it is necessary to insist upon a speedy and certain Decision of this important Transaction. This is a Measure now become essential to the Interest of our Country, and will convince all those who have promoted those Delays, or have had the high Presumption to impute them to your Majesty's Conduct, that the Sceptre of *Great Britain* is in the Hands of a Prince as little capable of being amused as intimidated.

We are fully sensible, that a generous and compassionate Regard for the Ease and Happiness of your Subjects, could alone have prevail'd upon your Majesty to be hitherto patient under these dilatory Proceedings ; for if this unde-
termined

terminated State has been detrimental to the Interests of your Kingdoms, and if it has laid any Burthen on your People, it must necessarily have raised a high Resentment in your Majesty, the Guardian and Father of them.

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But if, contrary to your Majesty's Wishes and our own, that Justice and Satisfaction, so long delayed, cannot be obtained by amicable Measures; if the Patience of your Majesty and your Allies should be abused, and if the only Way to Peace should be by an Appeal to Heaven in a just and necessary War, we shall, with the greatest Cheerfulness and Zeal, support your Majesty in the Prosecution of it, and enable you to carry it on with Vigour in Conjunction with your Allies; we have this Comfort, if a War unavoidably must happen, that it will be kindled at a Time, when the Reputation of the Arms of *Great Britain* cannot suffer any Diminution.

The Alliance, in which your Majesty is engaged, being founded upon common Interest, and strengthened with repeated Marks of mutual Fidelity, will, we hope, effectually defeat the wicked Designs of your Enemies, who, by false and malicious Insinuations, would either create a Diffidence among the Powers so united, or mislead your own Subjects into unjust Opinions of the Conduct of your Majesty's Allies.

It appears evident to us, that nothing could more encourage the Courts of *Vienna* and *Madrid* in their present Delays, than if Hopes have been given from hence of creating Discontents and Divisions among us, and of a Prospect of seeing Difficulties arise at Home: But whatever have been the various and secret Machinations of some few, who, thro' Envy or Ambition may have debased themselves so far, as to act in Concert with the meanest and most treacherous Disturbers of the State; we hope that by their continual Disappointments in their pernicious and unnatural Designs, they will themselves despair of being able to bring Distress upon their Country, even though they should, by Artifice, and the Lenity of the Constitution, almost daily abused, escape the infamous Punishment due by the Laws of the Land to such Crimes. We entirely depend upon your Majesty's Constancy and Steadiness (Virtues ever inseparable from a great Mind) that no wicked and groundless Suggestions or Insinuations will alter your present Purposes, or induce your Majesty to give Ear to fluctuating Counsels; and we shall endeavour to convince the World, that no artful Designs or Intrigues shall change that Affection and Harmony, which has, and we are confident, ever will subsist, between your Majesty and your Parliament.

Anno 2. Geo. II. To this Address his Majesty return'd the following Answer.

1728-29.

His Majesty's
Answer.

My Lords,

" I Thank you for this dutiful and loyal Address. So seasonable an Instance of your Confidence in me, cannot fail of producing very good Effects both at Home and Abroad. You may depend upon my constant Endeavours to promote the Ease and Prosperity of my People, which is the best Return I can make for your Zeal and Affection.

A Bill ordered
for Relief of
Debtors.

E. of Strafford.

E. of Aylesford.

E. of Ilay.

Ld Bingley.

Ld Townshend.

Feb. 6. The Earl of *Strafford* took Notice of the Hardships of Insolvent Debtors in *England*, which his Lordship observ'd, was worse than in *Turkey*, where, if after nine Months Imprisonment it appear'd that they were unable to satisfy their Creditors; they were upon Oath of delivering up their All releas'd by Law. The Earls of *Aylesford* and *Ilay*, and Lord *Bingley*, press'd very much the Hardship of imprisoning Persons who are absolutely insolvent. The Lord *Townshend* observ'd, That the Case of many Debtors was, by the Unmercifulness of their Creditors, worse than that of Galley-Slaves, who are provided for and kept clean; whereas in *England* they are in a starving Condition, and rotting in a Goal. His Lordship thereupon mov'd, That Lifts be sent up from all the Prisons in *England* of the Debtors under Confinement, and for what Time, and for what Sum, which was order'd accordingly.

Bill for farther
punishing Forgery.

Feb. 12. The Lords order'd a Bill to be brought in for the more effectual Punishment of Forgery, which was presented by the Lord Chancellor on the 26th, and read the first Time.

March 11. The Lords read a second Time the said Bill, and committed it to a Committee of the whole House: This Bill pass'd into a Law.

Then a Report was made from the Committee appointed to consider of the Case of Debtors, with respect to the Imprisonment of their Persons; and the Judges were order'd to bring in a Bill thereupon.

The Lords consider the State of the Nation.

March 18. The Lords, in a full House, considered the State of the Nation, particularly with Relation to the positive Demand made by the Court of *Spain*, for the Restitution of *Gibraltar*, grounded on a Letter * written in the Year 1721, by his late Majesty to the King of *Spain*: A Copy of that Letter in *French*, with a Translation of it in *English*

* A Motion was made in the last Session of King George I. by Mr Sandys, for laying before the Commons a Copy of the said Letter, but it pass'd in the Negative; see Chandler's History of that House, P. 384. See likewise Lord Bathurst's, and Lord Townshend's Speeches relating thereto in the same Session.

English, having been laid before the House, the said Translation was read, as follows : Anno 2. Geo. II.
1728-29.

SIR, MY BROTHER,

I Have learnt, with great Satisfaction, by the Report of my Ambassador at your Court, that your Majesty is, at last, resolv'd to remove the Obstacles that have, for some Time, delay'd the entire Accomplishment of our Union. Since, from the Confidence your Majesty expresses towards me, I may look upon the Treaties which have been in Question between us as re-established; and that accordingly the Instruments necessary for carrying on the Trade of my Subjects, will be delivered out: I do no longer ballance to assure your Majesty of my Readiness to satisfy you, with Regard to your Demand touching the Restoration of Gibraltar; promising you to make Use of the first favourable Opportunity to regulate this Article, with Consent of my Parliament. And to give your Majesty a farther Proof of my Affection, I have order'd my Ambassador, as soon as the Negotiation, with which he has been charged, shall be finished, to propose to your Majesty new Engagements to be enter'd into, in Concert and jointly with France, suitable to the present Conjunction, not only for strengthening our Union, but also for securing the Tranquility of Europe: Your Majesty may be persuaded that I, on my Part, will shew all the Facility imaginable, promising myself that you will do the same, for the mutual Benefit of our Kingdoms, being most perfectly,

SIR, MY BROTHER,

July 1,
1721.

Your Majesty's

Good Brother,

To the King of Spain,
Monsieur, My Brother.

GEORGE R.

Then it being moved to resolve, That for the Honour of his Majesty, and the Preservation and Security of the Trade and Commerce of this Kingdom, effectual Care should be taken in the present Treaty, That the King of Spain do renounce all Claim and Pretension to Gibraltar and the Island of Minorca, in plain and strong Terms.

After Debate, the Question being put thereupon, it was resolv'd in the Negative by 84 against 31.

A Motion that the K. of Spain be oblig'd to renounce his Claim to Gibraltar and Minorca; passes in the Negative.

Dissentient

I. Because, we think our Right to a Place of such Importance to our Commerce should be secured by more than general Stipulations, which may be liable to different Constructions, and will probably be interpreted by the Spaniards

Protest thereon.

Anno 2. Geo. II.
1728-29.

ards in their own Favour, however we may interpret them in ours.

II. Because the King of *Spain*, having claimed by his Ministers several Times, not only from the late King's positive Promise, as he asserts it to be, but from our Forfeiture of it too by our Infractions of those Conditions on which he gave it up to us; and having actually besieged it since he yielded it to us by Treaty, it seems reasonable to us, that we should insist upon his making his Renunciation of it in Words as plain and strong as he has made his Claim to it, especially since, as far as we have heard, our Plenipotentiaries have not been able to prevail upon him to shew any Inclination to relinquish his Pretensions to it, during the long Course of these perplexed Negotiations, in which we have been unskilfully, as we fear, and we are sure we have been unfortunately, involved.

III. We think it is incumbent upon us to take particular Care, that our Right to it should not in the least be precarious, because, we apprehend, we have great Reason to fear that the King of *Spain's* Allies are very desirous to have it again in his Hands, and have no Reason at all to believe that our own Allies are solicitous to have it continue in ours: If there should be the least Room, upon a Peace, for the King of *Spain's* Pretensions to it, from any loose or doubtful Expressions, we are apprehensive, it may lay a Foundation for Uneasiness and Animosity, and might interrupt a perfect Harmony between us and a Nation whose Friendship must always be of the greatest Advantage to us. We think our Zeal to preserve our Title to it, in that most effectual Manner we proposed, would have terrified any wicked Ministers even from the Thoughts of giving it up, if ever we should be in such wretched Circumstances, as to have any who might think a War more dangerous to themselves than the Nation, and who might for that Reason be tempted to purchase an inglorious Peace, at the high Price of so valuable a Part of the *British* Dominions.

Beaufort, Strafford, Gower, Bathurst, Plimouth, Oxford and Mortimer, Berkshire, Scarsdale, Boyle, Montjoy, Wesson, Willoughby de Broke, Coventry, Litchfield, Craven, Abingdon, Foley.

The House resolve to rely on his Majesty's Care therein.

Then it was resolved that this House doth entirely rely upon his Majesty, that he will, for maintaining the Honour, and securing the Trade of this Kingdom, take effectual Care in the present Treaty, to preserve his undoubted Right to *Gibraltar* and the Island of *Minorca*.

March 20. The State of the National Debt was laid before

fore the House, by which it appear'd, that the Amount thereof, upon the 31st of *December* 1727, was 50,261,206 *l.* 19 *s.* 8 *d.* 3 *q.* Increased between the 31st of *December*, 1727, and the 31st of *December* 1728, *l.* 2,250,000. Paid off within the said Time 2,017,222 *l.* 5 *s.* 0 *d.* 1 *q.* Amount of the National Debt upon the 31st of *December*, 1728, 50,493,984 *l.* 14 *s.* 8 *d.* 2 *q.*

Anno 2. Geo. II.
1728-29.

State of the National Debt.

April 16. The Lords went thro' the Bill for Relief of Debtors, with respect to the Imprisonment of their Persons: This Bill afterwards pass'd into a Law.

April 17. The Lords having call'd for most of the Papers, that had been laid before the Commons, relating to the *Spanish* Depredations; and read some of them, consider'd, the next Day, in a full House, the State of the Nation. Very severe Reflections were made on the late Conduct of those in the Administration: And the Residue of the Papers, read in Part Yesterday, which were laid before the House, as well in relation to the Squadron of Ships sent to the *West-Indies*, as to the Depredations made by the *Spaniards* on his Majesty's Subjects in *America*, being read, it was proposed to resolve, That it appears to this House, that the Expence of the Squadron sent to the *West-Indies*, under the Command of Vice-Admiral *Hofier*, having been borne by this Nation alone, though designed to prevent the *Spaniards* from seizing the Effects belonging to his Majesty's Allies, as well as his Subjects, which were on board the *Flota* or *Gal- leons*, and from applying the Treasure to disturb the Peace, and invade the Liberties of *Europe*, has been an unreasonable Burthen upon this Kingdom. After Debate, the Question was put thereupon, and it was resolved in the Negative, by 87 against 27.

A Motion to resolve, That Admiral *Hofier's* Expedition was an unreasonable Burthen upon the Nation, passes in the Negative.

Dissentient

I. Because, we conceive, that our Allies were, at least, Protest thereon. as much concerned as ourselves, to prevent the *Spaniards* from disturbing the Peace and invading the Liberties of *Europe*, if there was at that Time sufficient Foundation to apprehend such Attempts on the Part of *Spain*, and because our Allies (the *French* in particular) had a much greater Share in the Effects of the *Gal- leons* than the Subjects of this Nation, and by Consequence were much more concerned in Interest to prevent the King of *Spain* from seizing those Effects.

II. Because we not only took the whole Charge of this Expedition upon ourselves, but have increased our National Forces, taken great Numbers of Foreign Troops into our Pay, and contracted to pay divers Subsidies to Foreign Princes, when it has not appeared to us in any authentick Manner

Anno 2. Geo. II. Manner (as we apprehend) that our Allies have taken upon themselves any Expence proportionable to this, in Consequence of the *Hanover Treaty*.
 1728-29.

III. Because we are convinced, that the National Expence and Losses, occasioned by this Expedition, do not only very far exceed any Interest which the Subjects of this Nation can be supposed to have in the *Galleons*, but have likewise been much more considerable than any Detriment which has accrued to *Spain* by delaying the Return of the *Galleons*.

IV. That by taking this Expedition solely upon ourselves, we drew the whole Resentment of the Court of *Spain* upon this Nation, and gave the *French* an Opportunity of healing the Breaches which had been made between those two Courts; of acquiring a greater Share than ever they had in a most beneficial Branch of Trade, and of acting rather the Part of Mediators than that of Parties in the Dispute.

V. We cannot help being of Opinion, that this Burthen was the more unreasonable, since it does not appear that this Expedition has had the Effect of obliging the *Spaniards* clearly to adjust the Points in dispute between us, or effectually to secure to our Merchants a just Satisfaction for the great Losses, which they have sustained by the Seizures and Captures made by the *Spaniards*.

Beaufort, Strafford, Gower, Manjoy, Coventry, Oxford and Mortimer, Plimouth, Foley, Craven, Willoughby de Broke, Litchfield, Bathurst, Scarsdale, Northampton.

Bill against T. May 5. The Judges (according to Order) delivered a Bill
 Bambridge, War- prepared by them, upon the Debate of the House, intituled,
 den of the Fleet, *An * Act to disable Thomas Bambridge, Esq; to hold or execute the Office of Warden of the Prison of the Fleet, and to empower his Majesty, his Heirs and Successors, during the Life of the said Thomas Bambridge, to grant the said Office to such Person or Persons as he shall think fit.*

And the same was read the first Time: Then it being moved, that the Bill be now read a second Time, the same was objected to. After Debate, the Question was put, whether this Bill shall be now read a second Time? And it was resolved in the Affirmative.

Dissentient

I. Because the reading any Bill twice the same Day is against the standing Orders of this House, which ought not to be broke but in Cases of the utmost Necessity, and even in those Cases ought first to be considered in a full House; or else absent Lords, as well as the Parties concerned in Bills, may be surprised.

II. Be-

Protest against
 reading it twice
 in one Day.

* This Bill was occasion'd by his barbarous Usage of several Prisoners, particularly Sir William Rich and Others.

II. Because we do not conceive that there was the least Necessity or Occasion for reading this Bill twice in one Day. Anno 2. Geo. II.
1728-29.

III. Because we are apprehensive, this may be brought as a Precedent hereafter to proceed in too hasty a Way, to pass Bills, which divest Men of their Properties, and lay Incapacities upon them during Life.

Warrington, Strafford, Haverham, Coventry.

May 6. The Lords sent back to the Commons the Bill *For the more effectual Preventing Bribery and Corruption in the Elections of Members*, with some Amendments, contain'd in the two following Clauses *, viz. Amendments
made by the
Lords to the Bill
against Bribery
and Corruption.

Be it Enacted, That such Votes shall be deemed to be legal, which have been so declared by the last Determination in the House of Commons, which last Determination concerning any County, Shire, City, Borough, Cinqua-Port, or Place, shall be final to all Intents and Purposes whatsoever, any Usage to the contrary notwithstanding.

2. *That if any Person who hath or claimeth to have, or hereafter shall have, or claim to have, any Right to vote in any such Election, shall from and after the 24th Day of June, 1729, ask, receive, or take any Money, or other Reward, by way of Gift, Loan, or other Device, or agree, or contract for any Money, Gift, Office, Employment, or other Reward whatsoever, to give his Vote, or to refuse, or to forbear to give his Vote in any such Election, or if any Person by himself, or any Person employed by him, doth or shall by any Gift or Reward, or by any Promise, Agreement, or Security for any Gift or Reward, corrupt or procure any Person or Persons to give his or their Vote or Votes, in any such Election, such Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of 500 l. of lawful Money of Great Britain, to be recovered as before directed, together with full Costs of Suit: And every Person offending in any of the Cases aforesaid, from and after Judgment obtain'd against him in any such Action, of Debt, Bill, Plaint, or Information, or summary Action, Prosecution or being any otherwise lawfully convicted thereof, shall for ever be disabled to vote in any Election of Member or Members to serve in Parliament, and also shall for ever be disabled to hold, exercise, or enjoy any Office or Franchise to which he, and they, then shall, or at any Time afterwards, may be intitled*

* See the Debate in the House of Commons on these Clauses in Chandler's History of that House, P. 49.

Anno 2. Geo. II.
1728-29.

Debate on a Motion for granting 115,000 l. for Deficiencies in the Civil List,

titled as a Member of any City, Borough, Town Corporate, or Cinque-Port, as if such Person was naturally dead.

May 10. Upon Report from the Committee of the whole House, upon the Bill relating to the Custom on Corn imported, and for appropriating the Supplies granted in this Session of Parliament, and other Purposes, that they had gone through the Bill without any Amendment; it was moved, That the following Clause be left out of the said Bill, *viz.*

And it is also hereby further Enacted, That out of all or any the Aids or Supplies aforesaid, there shall and may be issued and applied, for and upon Account of the Arrears of the several Duties and Revenues granted to his Majesty, by an Act made and passed in the first Year of his Majesty's Reign, Intituled, An Act for the better Support of his Majesty's Household, and of the Honour and Dignity of the Crown of Great Britain, any Sum or Sums of Money not exceeding the Sum of 115,000 l. in such Manner and for such Uses and Purposes as his Majesty shall, from Time to Time, be pleased to direct and appoint: Provided always, and be it Enacted by the Authority aforesaid, That in case there shall be standing out or in Arrear on the Demise of his Majesty, whom God long preserve, any Sum or Sums of Money for or on Account of the said Duties and Revenues, which, together with what hath been or shall be received out of the same, during his Majesty's Life, and together with the said Sum of 115,000 l. shall be more than sufficient to compleat and satisfy to his Majesty during his Life the yearly Sum of 800,000 l. per Annum in clear Money, to be computed from the 25th Day of June, 1727. Then and in such Case, the said Sum of 115,000 l. shall be replaced and refunded, by, or out of, such Sum, or Sums of Money so standing out or in Arrear as aforesaid, as shall be more than sufficient to compleat the said yearly Sum of 800,000 l. in clear Money, to be computed as aforesaid, or so much thereof as the Monies arising thereby shall extend to satisfy the same, and that the Monies so to be replaced, or refunded, shall be separated and kept apart in his Majesty's Exchequer, for the Use and Benefit of the Publick, and shall not be issued, or applied, to any other Use, or Uses than such as shall be directed by Authority of Parliament.

This Motion being objected to, and the Question being put, Whether that Clause should stand Part of the Bill? It was Resolved in the Affirmative, by 69 against 19.

Dissentient

I. Because we apprehend, that this Part of the Clause is neither founded on the Words of the Act to which it refers, nor

Protest on that Occasion.

nor warranted by any Construction thereof; for the Provision made in that Act is 'That whenever the Produce of the several Duties and Revenues thereby granted appears to be so deficient, that within any one Year it should not be sufficient to answer and satisfy the Sum of Eight Hundred Thousand Pounds, then, and not in any other Case, such Deficiency is to be made good out of the next Aids in Parliament.' As this Act therefore provides only for a real Deficiency of the Produce, and not for any Arrear in the Receipt within the Year, as it has appeared by the Accounts laid before this House, that the real Produce was considerably more than sufficient to answer the Sum of Eight Hundred Thousand Pounds, we think, there can be no Colour to affirm that there has been any such Deficiency as the Act can be supposed to provide for: This appears from the Words of the Clause, which directs the Application of the Sum of One Hundred and fifteen Thousand Pounds, for and upon Account of Arrears; and we cannot conceive the Arrears provided for by this Clause, and the Deficiency described in the Act, to be one and the same Thing, since, if they could be so understood, the Provision in the Clause would have been made agreeable to the Words of the Act, which relate to a Deficiency only; and it would be highly unjust to his Majesty to direct the Sum of One Hundred and fifteen Thousand Pounds to be refunded to the Publick at any Time; or under any Conditions; for if there had been a real Deficiency, the Grant to his Majesty should be absolute, and the Sum of One Hundred and fifteen Thousand Pounds would legally belong to him; so that this Clause either takes from his Majesty what we have no Right to take, or it gives him what, as we conceive, he has no Right to claim. As we cannot then consider this Sum to be given either for a real Deficiency, founded on the Civil-List Act, or that it can be warranted by the said Act as a supposed Arrear, we conceive it to be a new Grant to his Majesty, and a new Burthen on the People, which does not appear to us to have been demanded by the Crown, and consequently not to have passed according to the Forms hitherto practised and requisite in all such Cases.

II. This Clause appears to us unreasonable on many Accounts; as there was no real Deficiency at *Midsummer*, 1728, to which Time the Account is stated, so neither is there any Arrear at the Time when this new Supply is granted, but the whole Sum of Eight Hundred Thousand Pounds, and considerably more, was come into his Majesty's Coffers, and he was consequently in Possession of the very Money, the supposed Arrear of which is made good to him by this Clause: Thus it seems to us, that the Nation is loaded not

Anno 2. Geo. II.

1729.



to compleat, but to augment the Sum designed for his Majesty's Civil-List, and this at a Time when the Publick Debts are encreased, when the Taxes are heavily felt in all Parts of the Country, when our Foreign Trade is incumber'd and diminish'd, when our Manufactures decay, when our Poor daily multiply, and when many other National Calamities surround us: These Considerations are in themselves very moving, and we apprehend they must appear stronger, when it shall be further considered, that his Majesty would be so far from wanting any of those extraordinary Supplies, that even without the Provision in the Civil-List Act, for making good Deficiencies, he would be possessed of a far greater Revenue than King *William*, Queen *Anne*, or even his late Majesty enjoyed; and yet his present Majesty, then Prince of *Wales*, received out of the Civil-List Revenues, during the Reign of the late King, One Hundred Thousand Pounds *per Annum*, besides the entire Revenues of the Principality of *Wales* and the Dutchy of *Cornwall*; whereas it does not appear to us, that a like Sum of One Hundred Thousand Pounds *per Annum*, or even the Revenues of the Principality of *Wales*, have been yet settled on his present Royal Highness.

III. We cannot but be extremely apprehensive of the many ill Consequences which may follow from a Grant of Money to the Crown, so ill grounded and so unreasonable as we conceive this to be: The Advantage in Favour of his Majesty, established by the Civil-List Act, is very great, since, if the Produce of the Revenues granted and appropriated to the Use of the Civil-List, does not answer the yearly Sum of Eight Hundred Thousand Pounds, the Deficiency is to be made good to his Majesty by the Publick; whereas no Provision is made by which, if the Produce of these Revenues exceeds the Sum of Eight Hundred Thousand Pounds, the Surplus shall accrue to the Benefit of the Publick; by this Precedent, not only real Deficiencies are to be made good, but Supplies are to be given for Arrears standing out at the End of every Year, which shall come in before the Supply can be granted, though the Supply given to make good Arrears in one Year will certainly increase the Surplussages in another: When we consider the Method which has obtained, of anticipating the Revenues before they come into the Exchequer, contrary to the ancient and legal Practice, when we reflect in what Manner these Accounts have been made up, and in what Manner they have been brought in, we cannot but apprehend that a Door is opened by this Precedent for laying new and excessive Charges on the Nation: The Revenues appropriated to the Uses of his Majesty's Civil-List are subject in their own Nature to vary, and even when

when there is no Deficiency in the Produce, there may be Arrears in the Receipt; these Arrears may easily be increased by the Management of designing Ministers, by private Directions to Receivers, and by artful Methods of stating Accounts; from all which we cannot but apprehend, that now this Precedent is made, we may have frequent Accounts of Arrears, and a grievous and even intolerable Load may be brought on the Nation in a short Time; and we are persuaded that his Majesty can have no Satisfaction in finding his Court abound in Wealth, whilst he may undergo the Mortification of seeing his People reduc'd to Poverty; neither can we conceive that the latter Part of the Clause is, in any Degree, an adequate Provision against the Evil we complain of, or the Apprehensions we entertain; for an Account to be made up at his Majesty's Demise will not prevent the Consequences of this Precedent during his Life; and as we hope that his Reign will be long, so we may be allowed to fear that even during the Continuance of it, this extraordinary Method of increasing his Majesty's private Revenue (already very ample) may prove a Source of general Discontent, which is but too apt to produce general Disaffection.

Anno 2. Geo. II.
1729.

*Plymouth, Willoughby de Broke, Gower, Boyle, Oxford
and Mortimer, Northampton, Strafford, Warrington,
Coventry, Bathurst, Litchfield, Beaufort, Scarfsdale,
Montjoy.*

On the 12th of May, the Lords read the third Time the Bill above mentioned: And the Question being put, That the said Bill do pass, it was resolv'd in the Affirmative.

Dissentient

I. Because, we conceive, there will accrue less Detriment to the Publick, by rejecting this Bill, than agreeing to it with that Part of the Appropriation Clause, which enacts the Sum of One Hundred and fifteen Thousand Pounds to be given to his Majesty for and upon Account of Arrears in his Civil-List; since it would have been easy, had this Bill been rejected, to have provided for the general Appropriation of the several Aids granted in this Session of Parliament in some other Manner.

Protest against
passing the
Clause for grant-
ing 115,000 l.
to the King.

II. Because the Revenue for defraying the Expences of his Majesty's Civil Government being considerably more ample than that of any of his Predecessors, we flatter'd ourselves that the Publick would not have been call'd upon again in so short a Time to make an Addition to that liberal Provision for the Crown, though there had been some small Deficiency in some of the Duties appropriated to the Service of it; but

Anno 2. Geo. II. this, in our Opinion, is so far from being the Case, that we are firmly persuaded, if we had agreed to this Bill with that Part of the Clause, we should have consented to a Grant of a new Aid, and not to make good the Deficiency of an old one, since it seems evident to us, that the Produce of the Civil-List Funds, in the first Year of his Majesty's Reign, rather exceeded than fell short of Eight Hundred Thousand Pounds, even from those Accounts delivered into the House, which, we believe, will be universally allowed to be free from any Suspicion in favour of the People.

III. Because we look upon this to be not only a Grant of a new Aid, but a Grant made in such an irregular Manner, without being demanded by the Crown, that it cannot but give us some Reason to think, that however it may be wanted by the Ministers, it may possibly not be desired by his Majesty.

IV. Because the literal Interpretation of Part of the Act for settling the Civil-List Revenues on his Majesty, which was contended for, in order to justify that Part of this Clause to which we object, seems to us liable to Consequences very dangerous to the Properties of all the Subjects, by putting it into the Power of those who have the Management of the publick Money, to give the Crown a Title to the Arrears of the Civil-List Funds (tho' perhaps left on Purpose in the Hands of the Receivers) and to a Parliamentary Supply for those very Arrears too.

V. Because the Argument which was used for passing the Clause, from the Smallness of the Sum, seems to us a much stronger Reason why it should not be asked, than why it should be granted.

VI. Because, we observe, that whenever a Supply for the Civil-List has been asked in Parliament, it has caused great Uneasiness in the Nation, though demanded from the Crown itself, and upon Pretences, in our Opinion, more justifiable, and at Times less unreasonable than this, when, notwithstanding our most prevailing Methods of Negotiation, the Fate of Europe, as far as we are enabled to judge, is still in Suspense, and we labour under Difficulties that unavoidably attend such a doubtful and undetermined Situation of our Affairs abroad; when the Complaints of the People at Home are general and loud, and, as we fear, too well founded on Account of their Poverty, and other Calamities with which they have been long afflicted; and when, for that Reason, it appears to us to be not only a proper Clemency, but true Policy too, to avoid giving them the least Ground to apprehend that the Parliament, by laying unnecessary Burthens upon them, may itself become one of their Grievances.

VII. Be-

VII. Because this Attempt, when we consider it in all its Anno 2. Geo. II. Circumstances, as far as appears to us, is without Example, and we dread lest it should be made one, and laid hold of as a Precedent hereafter; if ever the Nation should have the Misfortune to see a lavish, weak and rapacious Ministry, armed with great Power, desirous to raise such extraordinary Supplies, more in Reality to support their own inconsiderate and pernicious Schemes, than the Honour and Dignity of the Crown.

1729.

Scarfsdale, Plymouth, Beaufort, Coventry, Oxford and Mortimer, Strafford, Montjoy, Boyle, Northampton, Willoughby de Broke, Warrington, Litchfield, Gower, Bathurst.

May 14. The King came to the House, and prorogued The Parliament the Parliament to the 22d of July: They were afterwards, prorogu'd. by different Prorogations, prorogued to the 13th of January.

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### *The THIRD SESSION of the FIRST PARLIAMENT of King GEORGE II.*

ON the 13th of January the King came to the House, and open'd the Session with a Speech \*. On the 14th the Lords waited upon his Majesty with the following Address of Thanks:

*Most Gracious Sovereign,*

WE your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, beg Leave to return the humble Thanks of this House for your Majesty's most gracious Speech from the Throne. Address of Thanks for the King's Speech at opening the third Session.

We humbly congratulate your Majesty upon your safe and happy Arrival in this Kingdom, and are deeply sensible, that nothing could in any Degree alleviate the Loss we must ever suffer by your Majesty's Absence from us, but the prudent and happy Administration of the Government by the Queen, in the most critical Conjunction of Affairs, under your Majesty's Authority, and by your great Example.

\* We

\* See the Speech at large in Chandler's History of the Proceedings of the House of Commons, p. 51.

Anno 3. Geo. II.

1729-30.

‘ We want Words to express our Joy and Gratitude in congratulating your Majesty on your having concluded an absolute Peace with the Crown of *Spain*; and when we reflect upon the tender and anxious Concern your Majesty has shewn, during the whole Course of the late uncertain State of Affairs in *Europe*, we cannot but look upon this happy Event as a publick Reward from Heaven for your Majesty’s Love of your People.

‘ The earnest Desire of your Majesty to prevent the Miseries and Confusion unavoidable in War, (the Events of which are far removed from all human Foresight, even under the Conduct of the greatest Princes) and at the same Time your Steadiness and Resolution in continuing the necessary Preparations, joined with a perfect Union and mutual Fidelity between your Majesty and your Allies, have at last surmounted all Difficulties that stood in the Way of our Happiness.

‘ An Alliance built upon the Foundation of former Treaties, and rend’ring more effectual what the contracting Powers in the Quadruple Alliance were before obliged to perform; the confirming all former Conventions made with *Spain* in Favour of our Trade; the stipulating a just and ample Restitution and Reparation for unlawful Seizures and Depredations; and in general, the Re-establishment and Guarantuy of all Rights, Privileges and Possessions, in any Manner belonging to your Majesty, or your Allies, without any Concession being made to the Prejudice of your Majesty, or your Subjects, are Conditions intirely agreeable to the true Interest of *Great Britain*, equal even to those we might have expected after a prosperous War, as the Fruits of Victories, if your Majesty’s unwearied Labours for Peace had been unsuccessful.

‘ We have the greatest Reason to believe, that a general Pacification will be the Consequence of this happy Beginning; for your Majesty, having no Ambition but to defend the Honour and Rights of this Nation, to see our Trade flourish, and to reign over a happy and willing People, is ever averse to War: And, on the other Side, so just a Cause, supported by the united Strength of so many considerable Allies, join’d in Interest for the Tranquility of *Europe*, will incline other Powers to Peace. This, we hope, will produce an universal Approbation of the present Engagements. But as your Majesty’s first Care has been to consult the immediate Interests of these your Kingdoms, preferable to any other Considerations, and at the Hazard of all other Events; if, contrary to Expectation, and in Resentment of these Measures, any new Troubles should be raised in *Europe*, to oppose or disappoint the

‘ Execu-



Execution of them, the same Justice, Gratitude and Honour which have hitherto influenced us, must make us exert ourselves to the utmost to support and assist your Majesty.

Anno 3. Geo. II.  
1729-30.

Your Majesty, by the immediate Reduction of a great Number of your Land-Forces, and the laying up a great Part of the Fleet, has shewn how unwilling you was to suffer any Time to intervene between the Conclusion of the Peace, and letting your Subjects see the happy Effects of it. This lays the strongest Obligation upon us to place the greater Trust and Confidence in your Majesty, when we find by Experience, that our Military Preparations are made only when the public Necessities call upon your Majesty to defend your Kingdoms, and are laid aside the very Instant that our Safety will admit of it.

The Unanimity among ourselves, which your Majesty is graciously pleased to recommend to us, is one of the least Returns we ought to make for these Blessings procured for us: Your Majesty has completed the Wishes of all your good Subjects, and the Despair of the bad: You have obviated all the groundless Cavils and Clamours, which even Malice itself could invent; so that the Insinuations of any considerable Remnant of Faction, which may be yet in being, will have as little Appearance of Veracity Abroad, as of Duty, Loyalty, or Love of their Country at Home; and will serve only to excite us all to act with the greatest Zeal and Harmony, so as to make your Government as easy and happy for your Majesty, as it is for us.

To this Address the King return'd the following Answer:

*My Lords,*

"I Thank you for this dutiful and loyal Address. I doubt not but my Subjects will reap great Advantage from the Treaty concluded with Spain; and a faithful Execution of all that is stipulated in their Favour, shall be my principal Care; to which nothing will contribute more effectually, than the strong and affectionate Assurances you give me of your Support and Assistance, in case any Power should, in Resentment of these Measures I have taken, endeavour to raise new Troubles."

The King's Answer.

Jan. 27. The Lords, according to Order, proceeded to take into Consideration the Treaty of Peace, Union, Friendship and mutual Defence, between his Majesty and the most Christian King, and the King of Spain, concluded at Seville the Ninth

The Lords take into Consideration the Treaty of Seville.



Anno 3. Geo. II. Ninth of November, N. S. 1729, with the separate Articles thereunto belonging: And the same being read by the Clerk,

1729-30.

Debate thereon.

Lord Bathurst.

Lord Bathurst mov'd, That the 5th Article of the Quadruple Alliance might be read, which being done his Lordship moved for the following Question, ' That the Agreement in the Treaty of *Seville* to secure the Succession of *Don Carlos* to the Dutchies of *Tuscany*, *Parma* and *Placentia*, with *Spanish* Troops, is a manifest Violation of the 5th Article of the Quadruple Alliance; tends to involve this Nation in a dangerous and expensive War; and to destroy the Balance of Power in *Europe*.'

Ld Townshend.

The Lord Townshend spoke against the Question, and observed, ' That it was allowed by Friends and Foes, that his Majesty had acquired great Honour in making the Treaty of *Seville*: That it was a Reproach on our Allies to insinuate they had acted otherwise than in Friendship with us: That the Word *Violation* in the Question could not be applied to this Treaty; and his Lordship added, That in his Opinion, the Question tended only to encourage the Emperor to stand out, and to provoke the Court of *Spain*, therefore he hoped it would not pass. Then the Question being put on the said Motion, it pass'd in the Negative by 86 against 31.

Then it was mov'd to resolve, That our Right of Sovereignty, Dominion, Possession and Claim to *Gibraltar* and the Island of *Minorca* is not ascertained by the Treaty of *Seville*, so as to extinguish the Claims and Pretensions set up by the *Spaniards*, which were followed by an actual Siege since the Cession of those valuable Places by the Treaty of *Utrecht*. After Debate, the Question was put thereupon, and resolved in the Negative: Contents 31, Not-Contents 85. Then it was moved, That an humble Address be presented to his Majesty, that he will be graciously pleased to order to be laid before the House, a Copy of the Orders and Instructions given to Sir *George Byng*, now Lord Viscount *Torrington*, who commanded the Fleet in the *Mediterranean* in the Year 1718. But the Question being put thereupon, it was resolved in the Negative.

Then it was proposed to resolve, That the Stipulations in the Treaty of *Seville*, for the repairing the Losses of the Merchants, are insufficient and precarious. And the Question being put upon the said Proposition, it was resolved in the Negative: Contents 30, Not-Contents 79.

Duke of Devonshire moves the House to declare their Approbation thereof.

Then the Duke of *Devonshire* moved to resolve, That the said Treaty of *Seville* does contain all necessary Stipulations for maintaining and securing the Honour, Dignity, Rights and Possessions of this Crown; and that all due Care is taken therein for the Support of the Trade of this Kingdom,

Kingdom, and for repairing the Losses suffered by the Anno 3. Geo. II. Merchants.

After Debate, the Question was put thereupon, and it was resolved in the Affirmative, by 72 against 30.

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Which is agreed to.

*Dissentient*,

Because, we think, this Question, from the Debate as well as from the Import of the Question itself, was designed as a Justification of the whole Treaty, which appears to us neither to be solid, honourable, nor advantageous for the following Reasons:

I. Because we know not whether all the Treaties and Conventions concluded between *England* and *Spain* may be, in every Article of them so beneficial to us, as to be fit to be again confirmed and renewed.

II. Because, as we think it extremely difficult to examine with requisite Nicety, how advantageous every Treaty and Convention between *Great Britain* and *Spain* may be to us, so we think it absurd to pretend to judge of any future Agreement; and therefore we think it very extraordinary, and apprehend it may be of very ill Consequence to be bound, as we are by this Treaty, to ratify and guaranty whatever Agreement shall be made between the King of *Spain* and the Dukes of *Tuscany* and *Parma*, concerning the Garrisons once established in their Countries.

III. Because the Obligation on our Merchants to make Proof of the Justice of their Demands, for their Losses, at the Court of *Spain*, is, in our Opinion a Hardship upon them, and not honourable for the Nation; and we are persuaded those unfortunate Gentlemen will undertake so troublesome and expensive a Journey with the less Chearfulness, because they may fear their Claims are likely to be counterbalanced by others from the *Spaniards*; and after all they have only the slender Comfort of hoping, if they think there is even any Room for them to hope, to get that Redress by Commissaries, which they have not hitherto been able to obtain by Plenipotentiaries.

IV. Because we are obliged to assist in effectuating the Introduction of Six Thousand *Spanish* Troops into the Towns of *Tuscany* and *Parma*, without specifying the Methods we are to take, or Charge we are to be at in giving that Assistance; so that, for ought we know, we may be liable to an endless Trouble and unlimited Expence to compass what, if effected, cannot, in our Opinion, be of any Advantage to us, but, as we fear, may prove most prejudicial and destructive.

V. Because we oblige ourselves to guaranty for ever, not only to Don *Carlos*, but even to all his Successors, the

Anno 3. Geo. II. Right to, and Possession of the Estates of *Tuscany* and *Par-*  
 1729-30. *ma*; which we think is a Stipulation of so extensive a Na-  
 ture, that we can hardly see we are ever like to be ex-  
 empted from the Disputes and Quarrels it may too probably  
 draw upon us.

VI. Because this Treaty differs from the *Quadruple Al-*  
*liance*, upon which 'tis pretended to be chiefly founded, in  
 some Points that seemed to be thought essential by ourselves,  
 as well as by the Kings of *France* and *Spain*, as far as we  
 can judge by the Stipulations of former Alliances, particu-  
 larly in that of introducing *Spanish* Troops instead of Neu-  
 tral into *Tuscany* and *Parma*, and by stipulating that those  
 Troops shall remain there till Don *Carlos* and his Successors  
 are secure and exempt from all Events; which, from the  
 Nature and Extent of human Foresight, we think, the  
 warmest Advocates for the Treaty must allow is in effect to  
 say, they are to remain there for ever.

VII. Because the Alterations in this Treaty, from that  
 of the *Quadruple Alliance*, are made not only without the  
 Consent of the Emperor, but we fear he will interpret it,  
 since he has not the Compliment paid him of being invited  
 into it, almost in Defiance of him; and if this Treatment  
 of him should unhappily alienate his Friendship from us, we  
 think we should, as good *Englishmen*, have great Reason  
 to lament the Loss of such an ancient, powerful and faith-  
 ful Ally.

VIII. Because we apprehend there is an artful Omission,  
 throughout the whole Treaty, of any plain and express Sti-  
 pulation to secure to us our Right to *Gibraltar* and *Mi-*  
*norca*; which, however willing we are to attribute it rather  
 to the superior Skill of the *Spanish* Managers, than to any  
 want of Zeal for their Country in our own, is an Error  
 that we fear will leave our Possession of those important  
 Places too liable to future Cavils; and we think the *Spa-*  
*niards* could not, with the least plausible Pretence of Reason,  
 have refused to ascertain our indubitable Right to them, in  
 as strong and explicit Terms as we have declared ourselves  
 Guarantees of the Right, Possession, Tranquility and Quiet  
 of the *Italian* Dominions allotted to Don *Carlos* and his  
 Successors, since we have had the Complaisance to admit  
 the *Spaniards* to discuss their Pretensions for the Restitution  
 of the Ships taken in the Year 1718, though their Right  
 to that Compensation was as effectually secured to them,  
 as it can be pretended ours is to *Gibraltar* and *Minorca*, by  
 those general Words that renew and confirm all former  
 Treaties.

IX. Because his Majesty himself, by his Speech from the  
 Throne, seems not entirely free from Apprehensions of new  
 Troubles

Troubles being still likely to arise in *Europe*, even in Re-  
sentment of the present Engagements; and if he thought  
this Peace had settled the publick Tranquility upon a lasting  
Foundation, we are confident his paternal Goodness would  
have inclined him, by a farther Reduction of Troops, to  
have given more Ease to his People, who have long groaned  
under the heavy Burthen of Taxes, almost insupportable,  
and of a large standing Army, and have had all their Grievances  
increased by a pernicious Interruption of late of that  
flourishing Commerce, without which they can neither be  
happy at home nor respected abroad.

Anno 3. Geo. II.

1729-30.

X. Because it appears to us, after the most mature Consideration of all Particulars, that we are much farther obliged than we were before, and than we think we ever ought to be, to meddle in Disputes about Territories at a great Distance from us, and in which our National Interest seems no Way concerned; and since one of the principal contracting Parties in that Alliance, upon which this is built, is not only left out of it, but, as we think, there is Reason to believe extremely disobliged by it; and since it seems impossible to make the Introduction of *Spanish* Troops into *Tuscany* and *Parma*, even by the most prevailing Application we can use, consistent with the Dignity and Quiet of those Princes whose Towns they are to garrison; we own ourselves, upon the Whole, incapable of discerning either the Equity or Policy of this Treaty, which we fear will not enable us either to recover what we have lost, or long to preserve quietly and undisturbed what we yet possess; and which, we fear, instead of extricating us out of those Difficulties that we have of late been involved in, and which have been owing in a great Measure, in our Judgment, to the Incapacity of those Ministers, by whose Counsels we have been entangled in a Labyrinth of unnecessary, if not prejudicial Treaties and Engagements, will probably be the melancholy Occasion of fresh Disturbances, and bring upon us, already too much impoverished, the Misery and Confusion of a War, which if once kindled, we are convinced, it will be as difficult to know the End, as to determine the Success of such a fatal Event.

*Scarsdale, Beaufort, Gower, Bedford, Thanet, Anglesea, Coventry, Huntingdon, Bruce, Royle, Bathurst, Foley, Bridgewater, Plymouth, Strafford, Northampton, Abingdon, Warrington, Montjoy, Aylesford, Middleton, Bristol, Willoughby de Broke, Oxford and Mortimer.*

*January 29.* The Lords voted the following Address of Thanks for the Treaty of *Seville*.

Anno 3. Geo. II.  
1729-30.

Address of  
Thanks for, and  
Approbation of  
the Treaty of  
Seville.

*Most Gracious Sovereign,*

WE your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, humbly beg Leave to return your Majesty our most hearty Thanks for your most gracious Condescension in laying the Treaty of Peace, Union, and Friendship, lately concluded at *Seville*, before this House,  
' And we beg Leave to declare to your Majesty, that the said Treaty doth, in our Opinion, contain all necessary Stipulations for maintaining and securing the Honour, Dignity, Rights, and Possessions of this Crown; and that all due Care is taken therein for the Support of the Trade of this Kingdom, and for the repairing the Losses suffered by the Merchants.

*His Majesty's Answer.*

*My Lords,*

The King's Answer.

I Am glad the Treaty which I have, in Conjunction with my Allies, concluded with *Spain*, is so entirely to your Satisfaction. By a punctual Execution of our mutual Engagements we shall establish a firm and lasting Friendship with that Crown, which will be of great Advantage to the Trade and Navigation of this Kingdom."

State of the National Debt.

*March 3.* The following State of the National Debt was laid before the House, as it stood the 31<sup>st</sup> of *December*, 1728, viz. 50,493,984 *l.* 14 *s.* 8 *d.* 2 *q.* Increased between the 31<sup>st</sup> of *Dec.* 1728, and the 31<sup>st</sup> *Dec.* 1729, *l.* 1,025,000 Paid off within the same Time 1,793,724 *l.* Remains on the 31<sup>st</sup> of *December*, 1729, of the National Debt 49,725,260 *l.* 14 *s.* 8 *d.* 2 *q.*

*March 16.* The House being moved, That the Bill entitled, *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters*, be read a second Time on *Friday* next,

Debate on the Mutiny-Bill.

The same was objected to, and a nearer Day being proposed; After Debate, the Question was put, whether the said Bill shall be read a second Time on *Friday* next? It was resolved in the Negative, by 28 against 19.

*Dissentient*

Because we conceive, that the Consideration of the State of the Nation, which is appointed for next *Thursday*, ought rather to precede than follow that Deliberation, which will naturally arise upon the Bill of Mutiny and Desertion, concerning the keeping up in Time of Peace a standing Army, and the Method of governing that Army, if any shall be judged

judged requisite, which is a Subject of such Importance, Anno 3. Geo. II, that we think hardly any Thing of more Moment can fall under our Consideration, or that more requires the clearest Light that can be had in order to form a Judgment upon it, not unworthy a *British* House of Peers, zealous for that Freedom which has been delivered down to them from their Ancestors.

1729-30.

*Strafford, Hereford, Beaufort, Aylesford, Abingdon, Boyle, Northampton, Foley, Oxford and Mortimer.*

March 19. The House being moved, That an humble Address be presented to his Majesty, that he will be graciously pleased to order to be laid before this House a List of all Pensions payable by the Crown : And a Question being stated thereupon, the previous Question was put, whether that Question shall be now put ? It was resolved in the Negative, Contents 30, Not-Content 83.

#### *Dissentient?*

I. Because, we think, this Question ought to have been put and passed in the Affirmative, since no Instance could be given, that the List of Pensions was denied, when called for by either House of Parliament : and we cannot imagine there can ever be a more proper Time to address the Crown for that List to be laid before this House, than when they are to enter upon the Consideration of a Bill, which is calculated to prevent the Members of the House of Commons, for the future, from sitting and voting under any undue Influence.

II. Because we conceive, the Refusal of complying with this Question will be misinterpreted without Doors, whether the Bill shall pass or be rejected : for, in one Case, it will give just Reason to believe the List of Pensions was filled with Members of the House of Commons ; and tho' this House would concur to prevent the Evil, they were tender of exposing the Names of particular Persons : In the other Case, it would raise a Jealousy, that there were too many Members of this House who were upon that List ; which Aspersions ought, as we conceive, to have been obviated, by producing those Lists, and making them publick, as in former Times has been frequently done.

*Berkshire, Beaufort, Foley, Oxford and Mortimer, Abingdon, Coventry, Litchfield, Aylesford, Bathurst, Thanet, Strafford, Gower, Hereford.*

March 21. A Bill for making more effectual the Laws being for disabling Persons from being chosen Members of,

Debate on the Pension-Bill.

or



Anno 3. Geo. II. or sitting or voting in the House of Commons, who have a  
 1729-30. ny Pension during Pleasure, or for any Number of Years,  
 or any Offices holden in Trust for them, by obliging all Persons hereafter to be chosen to serve for the Commons in Parliament to take the Oath \* therein mentioned, was read a second

\* The following is an Abstract of the Bill :

‘ That after the 24th of June 1730, no Person who shall be elected a Member, shall sit and vote in the House of Commons, during any Debate there, after their Speaker is chosen, until he hath taken the Oath following, and subscrib’d the same, viz.

*I A. B. do solemnly and sincerely swear, that I have not, directly or indirectly, any Pension during Pleasure, or for any Number of Years, or any Office in Part, or in the Whole, from the Crown, held for me, or for my Benefit, by any Person whatsoever, and I do solemnly and sincerely promise and swear that I will not receive, accept or take, directly or indirectly, during the Time of my being a Member of this Parliament, any Pension during Pleasure, or for any Number of Years, or any other Gratuity or Reward whatsoever, or any Office from the Crown to be held for me, or for my Benefit, in Part, or in the Whole thereof, by any Person whatsoever, without signifying the same to this House within Fourteen Days after I have received or accepted the same, if the Parliament be then sitting, or within Fourteen Days after the next Meeting of the Parliament. So help me God.*

‘ Which Oath shall be in this and every succeeding Parliament, solemnly and publicly taken and subscribed by every Member of the House of Commons, at the Table in the Middle of the said House, at the same Time he takes the Oath by Law directed, whilst a full House of Commons is there duly sitting, with their Speaker in his Chair : And if any Member so taking the Oath, and subscribing as before directed, shall, at the Time of taking the said Oath, have any Pension during Pleasure, or for any Number of Years, or any Office from the Crown, in Part, or in the Whole, held in Trust for him, or his Benefit ; or shall, during his being a Member, receive, or take any Pension during Pleasure, or for any Number of Years, or any other Gratuity or Reward whatsoever, or any Office to be held for him or his Benefit from the Crown, without signifying the same to the House, as aforesaid, such Member shall be, and is hereby adjudged and declared to be guilty of wilful and corrupt Perjury, and being thereof convicted by due Course of Law, shall incur and suffer the Pains and Penalties, which, by the Laws and Statutes of this Realm, are inflicted in Cases of wilful and corrupt Perjury ; and shall from thenceforth be incapable of taking, holding, or enjoying any Office whatsoever.

‘ If any Member shall refuse or neglect to take and subscribe such Oath, as before directed, the Place for which such Person was elected is hereby, without any other Conviction or Proceeding, declared void to all Intents and Purposes, as if such Member was actually dead. In Case any Member shall presume to sit and vote in the House of Commons, after the Speaker is chosen, without taking the Oath aforesaid, such Member shall, over and above the Penalties already inflicted, forfeit the Sum of 30 l. for each Day he shall sit and vote, to be recovered, with full Costs of Suit, by him or them who shall sue for the same, and to be prosecuted by any Action, Suit, Bill, or Information, in any of his Majesty’s Courts of Record at Westminster, wherein no Effoign, Protection, or Wager of Law, or more than one Imparance, shall be admitted or allow’d ; and shall from thenceforth be incapable of taking, holding, or enjoying any Office or Employment of Profit or Trust under his Majesty, his Heirs or Successors, or of sitting or voting in either House of Parliament,

second Time: And it being propos'd to commit the Bill, it was resolv'd in the Negative, by 86 against 31. Anno 3. Geo. II.  
1729-30.

*Dissentient*

I. Because all Objections against particular Clauses or Expressions in the Bill would have been regularly the Subject of Debate in a Committee, and might have been there removed, if it should have appeared necessary, by making such Amendments to the Bill as the Wisdom of the House should have thought proper. Protest on a Resolution against committing it.

II. Because we conceive the general Design of this Bill to be highly reasonable, and of the greatest Importance to the Constitution of Parliaments; and are therefore extremely concern'd it should not receive even the Countenance of a Commitment, when the House of Commons, who alone would have been immediately affected by it, had pass'd it, as we apprehend, with so much Regard to their Country, and so much Honour to themselves.

III. Because this Bill does, in effect, enact nothing new, since it only enforces the Observation and prevents the Evasions of former Laws, which were judg'd necessary for the Publick Good by so many Parliaments, and which we do not apprehend that our Experience since has given us Reason to look upon as less necessary for the same Purposes at this Time. By one of these Laws no Person, who has a Pension from the Crown during Pleasure, can sit in the House of Commons; but the Effect of this Law was, or might have been evaded, in great Measure, by Grants of Pensions for certain Terms of Years, whercof we presume that Examples have not been wanting. To remedy or prevent this Abuse, it was enacted by another Law, That no Person, who enjoys a Pension from the Crown for any Number of Years, shall sit in the House of Commons, under certain Penalties therein mentioned; but the Effect of this Law likewise is, or may be entirely evaded several Ways; it is, or may be evaded by giving occasional Gratuities, or making annual Presents, which will not be construed to fall under the Denomination of Pensions, and which are, however, in their Nature, and must be in their Effect, manifestly the same; it is, or may be evaded also by the Difficulty of discovering and convicting those who presume to break it, since there is Ground to believe, by what has happened lately in this House, as well as on some other Occasions, that the Commons would find it difficult to obtain those Accounts, which can alone shew what Pensions are paid to particular Persons. We observe farther, That by the Laws now in Force, all those who hold certain Offices therein specified, as well as all those who hold any Offices erected since that Time,



Anno 3. Geo. II.  
1729-30.

Time, are made incapable of sitting in the House of Commons; and that whoever accepts of any Office or Employment under the Crown cannot sit in that House till he has been re-elected: Now it appears to us, that all those good and laudable Provisions may be render'd fruitless; that the House of Commons may be filled with Persons, who are, by Law, incapable of sitting there; that the Electors may be deprived of that reasonable Option which the Law has given them, whether they will trust the same Person to represent them, after he has accepted an Employment, whom they elected to represent them when he had none; and all this may be effected by the single Expedient of getting an Office or Employment to be held by some Person, who is not a Member of the House of Commons, in Trust for one who is. We shall not determine on publick Fame or private Suspicion, whether all or some of these Abuses and Evasions of so many Acts of Parliament have prevailed or not; but since it is evident, that they may be easily introduced under a corrupt Administration, we must be of Opinion, that a Law which would prevent them as effectually as, we believe, the Bill sent up by the Commons would have done, could not have met with too great Encouragement from this House nor have been passed too soon.

IV. Because it appears to us, that the Arguments used against this Bill, drawn from the Necessity or Expediency of preserving an Influence to the Crown by the Power of rewarding, are either not at all to the present Purpose, or else are applied to prove, that an Influence guarded against by so many solemn Acts of Parliament, should be admitted by the Connivance of Parliament; and, we think, it would be much more for the Honour of this House, if these Arguments were of real Weight, to be prevail'd upon by them directly to repeal the Laws above-mentioned, than, by rejecting a Bill designed to render those Laws effectual, to seem, as we apprehend, to approve all the Evasions of them, which have been or can be invented and put in Practice.

V. Because we think, that altho' this Bill tends to restrain any illegal and dangerous Influence over the House of Commons, yet it leaves such an Influence entire to the Crown, as will appear at least sufficient, when we consider that there are in the present House of Commons, hardly less than Two Hundred Members who hold such Offices and Employments under the Crown, as would have continued to be tenable by them, if this Bill had passed; and even the Power of granting Pensions for Life to Members of Parliament openly would have still remained in the Crown.

VI. Because, strictly speaking, all Influence over either House of Parliament, except that which arises from a Sense  
of

of those Duties which we owe to our King and Country, are improper, and the particular Influences, which this Bill was intended to prevent, are not only improper, but may, and naturally must, in Course of Time, become extremely pernicious both to the Crown and to the People; for, first, altho' this Influence appears to be that of the Crown, it may become virtually that of the Minister, and be applied to deceive the Prince as well as to oppress the People, if ever a corrupt Minister should have the Disposition of Places and the Distribution of Pensions, Gratuities and Rewards; he may create such an Influence as shall effectually deprive the Prince of the great Advantage of knowing the true Sense of his People; and a House of Parliament being prevailed upon to approve such Measures as the whole Nation dislikes, he may be so confirmed in the Pursuit of them, as, for the sake of an unworthy Servant, to lose the Affections of his People, whilst he imagines that he both deserves and possesses them. In the next Place, if ever this improper Influence should obtain a certain Degree of Strength, these terrible Consequences must inevitably flow from it, That the worst Proposals for the Publick will be the most likely to succeed, and that the weakest Ministers will be the best supported; the Reason whereof we take to be extremely plain, since this improper Influence may be directed to any Purpose whatsoever, and will always be most exerted where it is most wanted, that is, in the Support of ill Measures and weak Ministers.

VII. Because we agree, that as National or other Circumstances have exposed the Crown to any new Danger, the Security of Fidelity and Allegiance given by the Oaths of the Subjects to the Crown has been increased from time to time; and we therefore think, that, by a Parity of Reason, some greater Security than was formerly exacted should be now given to the Nation, by their Representatives, for a faithful Discharge of the Trust reposed in them; because this Trust, which is the same as it was in every other respect, is come to be much greater than it was; in respect to those heavy Taxes which have been for many Years past, and which, as we fear, must be for all succeeding Times annually laid by Parliament on the People, as well as to those immense Debts which have been contracted, and which we apprehend to have annually increased upon the Nation: The Service of the House of Commons was formerly a real Service, therefore often declined and always paid for by the People; it is now no longer paid for by the People, and so far from being declined, that it has been courted and sought after at great Expence. How far these Considerations, together with that of the vast Increase of the Civil

Anno 3. Geo. II  
1729-30.

Anno 3. Geo II. List Revenue, and of the Debts contracted on it in former  
 1729-30. Reigns, deserve to enforce the Reasons for exacting some  
 new and stronger Engagements, from the Members of the  
 House of Commons to those whom they are chosen to represent,  
 is, we think, sufficiently obvious.

VIII. Altho' it must be allow'd, that the multiplying of  
 Oaths, without great and evident Reasons, ought to be avoided,  
 yet an Oath being the most solemn Engagement which Men can be  
 laid under, we judge it, on that very Account the more proper to be  
 imposed upon this important Occasion; nor will the Probability of its  
 being broke through, by the Iniquity of Mankind, be an Argument of  
 greater Force against this Bill, than against any other Law made for  
 preventing any other Crime whatsoever.

*Huntingdon, Bruce, Plymouth, Montjoy, Northampton, Strassford, Hereford, Craven, Oxford and Mortimer, Ker, Sunderland, Berkshire, Aylesford, Litchfield, Maynard, Foley, Coventry, Malsbam, Bristol, Batbursf, Beaufort, Warrington, Gower, Abington, Boyle, Thanet.*

Then the Question was put, whether the said Bill shall be rejected? It was resolved in the Affirmative.

*Dissentient's,*

I. Because the evident Intention of this Bill, was only to make a further Advance towards gaining that good End, which the Legislature hitherto has, we fear, too weakly endeavoured to compass, the Prevention of Corruption; which, it must be own'd, is an Evil of so mischievous a Nature, so apt to spread and grow epidemical, that a wise and virtuous People will apply the most timely and effectual Remedies that can be devised for the Cure of it, since a Nation once infected must soon get the better of so contagious a Distemper, or it will soon get the better of the Nation.

II. Because we can hardly frame in our own Minds a more reasonable Method, than the Sanction of such an Oath of Purgation as was to have been taken by all the Members of the House of Commons, if this Bill had passed into a Law, to preserve that Part of the Legislature pure and free from that kind of Bribery, which seems, from the Nature of it, to be the most pernicious, a secret unavowed Pension; or what (however different in Name) would, we fear, be too much the same in Effect, an Office in Trust, or a clandestine Gratuity.

III. Because the Act of Parliament which passed last Year, tho' it contains some excellent Provisions against Bribery and Corruption, and ought, in our Opinion, ever to be held sacred, inviolable, and a fundamental Part of our yet free Constitution, wanted still something, as we judge, to make it

it more complete, for establishing an Oath for the elected as well as the Electors; which being done by this Bill, we cannot but look upon it to have been a seasonable and necessary Addition to those Laws already enacted for the same Purpose, in order to guard us more strongly against the powerful and malignant Influence of wicked, aspiring, and despotick Ministers, who can invent no Artifices so likely to subvert the Liberties of the People, as by corrupting those who are chosen to defend them.

Anno 3. Geo. II.  
1729-30.

IV. Because, we apprehend, the House of Commons may think themselves unkindly treated by us, for rejecting a Bill sent from them of great Consequence, by which they designed only to secure their own Honour and the Nation's Liberties, and that concerned only their own Members, without allowing it even the usual Forms of Commitment; and the rest of our Fellow-Subjects will, we fear, hardly be charitable enough to think that one House of Parliament could be perfectly unbiassed, when it refused so proper an Expedient to make, in a great Measure, the other so.

*Plymouth, Beaufort, Montjoy, Warrington, Berkshire, Strafford, Aylesford, Bruce, Litchfield, Ker, Sunderland, Bristol, Gower, Batburst, Boyle, Hereford, Oxford and Mortimer, Masbam, Maynard, Coventry, Foley, Thanet, Craven, Huntingdon, Abingdon, Northampton.*

March 23. A Bill for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, being read the third Time, the Question was put, whether this Bill shall pass, it was resolved in the Affirmative.

*Dissentient?*

Because, we think, that so large a Number as is proposed to be kept up in this Kingdom for this Year, by this Bill, is not necessary for our Safety, as far as we can judge from the present Conjunction of Affairs; and that a standing Army in Time of Peace must be always burthensome to the People and dangerous to their Liberties, for Reasons often given by several Lords, and remaining upon the Journals of this House, to which we choose to refer, rather than repeat them, in order to prove a Proposition that we think almost manifest in itself, or at least may easily be maintain'd by Arguments undeniably convincing, and so obvious, in our Opinion, that they must occur, upon the least Reflection, to every *Englishman* who loves his Country and his Freedom.

Protest against  
passing the Muti-  
ny-Bill.

*Montjoy, Strafford, Abingdon, Beaufort.*

Anno 3. Geo. II.  
1730.

Debate on a Motion, that the Maintenance of 12,000 Hessians for 1730, was burthensome and unnecessary.

E. of Abingdon.  
E. of Strafford.

*April 17.* The Order of the Day, for taking into Consideration the State of the Nation, being read, it was moved to resolve, that the maintaining of 12,000 *Hessians* in the Pay of *Great Britain*, for the Year 1730, is burthensome and unnecessary. In Support of this Motion the Earls of *Abingdon* and *Strafford* urg'd, ' That there being a Treaty of Peace concluded with *Spain*, and an Accommodation with *Prussia*, we had nothing to fear from the Emperor, therefore there could be no Necessity, for continuing these Troops in our Pay.' Those against the Question alledg'd, ' That the keeping up the 12,000 *Hessians* for this Year, was to fulfil the Engagements to our Allies, whom we cannot, in Honour, expose to the Fury of the Emperor, and discharge, in the present Conjuncture, a Body of Troops which is most capable of harraßing him: That *England*, *France*, and *Holland* are, in Case of an Attack on their Dominions, to assist each other, and furnish their respective Quota's; and, in Consequence of these Engagements, the *French* have augmented their Troops above 30,000 Men, and the *Dutch* 24,000, and have likewise Foreign Troops in their Pay; and that the Expence of 12,000 *English* would be much greater than that of 12,000 *Hessians*, and that this Expence for one Year may prevent a War. Then the Question being put, it was resolv'd in the Negative, Contents 21, Not-Contents 80.

#### *Dissentient*

Protest on the said Motion's passing in the Negative.

I Because we think the maintaining Foreign Troops in our Pay, where we have no Territory, and not only when we have no War, but immediately after a Peace concluded with one of the most considerable Powers in *Europe*, whilst we are in Alliance with *Holland*, and are in strict Friendship with *France*, the most considerable Power of all, is a Policy, that before this Instance of it cannot be parallel'd, as far as we can recollect, in all our Annals, and must be owing to the Advice of Ministers less cautious and less concerned for the true Interest of this Kingdom than their Duty obliged them to be; and we cannot, out of the Regard we owe to our Posterity, consent to it.

II. Because the Importance of the Service, in which they are designed to be employ'd, does no Way appear to us, and we fear it may create an Apprehension that they may be intended for Purposes that do not concern *Great Britain*; which is a Jealousy (however ill founded) that we are persuaded from his Majesty's Goodness he will always be inclined to prevent for his People's sake; and his Counsellors, we think, ought, if possible, to prevent, for their own.



III. Because, we think, it would be an unreasonable Burthen upon the People at any Time, but we look upon it to be particularly so at this, whilst we are still heavily loaded with an immense National Debt, severe annual Taxes, oppressive and perpetual Excises, and have had of late the additional Misfortune of an unusual and excessive Dearth of almost all Necessaries for Living; whilst our Commerce, we cannot but fear, has been declining for some Years, and many valuable Branches of it running into other Channels, from whence we have but little Expectation of ever deriving them again into our own; when the dubious and unhappy Situation of Affairs, under which we have labour'd of late, has reduced many substantial Merchants to Poverty, and has been productive of other ill Consequences that, we apprehend, will be sensibly felt for some Time by the whole Nation; when the Sum which is to be allowed for the Maintainance of these Troops is at least Six Pence in the Pound on every landed Man's Estate in England; and when we avowedly pay, at the same Time, greater Subsidies to other foreign Princes than our present Circumstances, in our Opinion, can well bear, or than any wise Reasons of State seem to require.

Anno 3. Geo. II.  
1730.

IV. Because it does not appear to us, that his Majesty, either in any Speech or by any Message, has demanded any Supply for what seems to us so extraordinary a Charge; and he seems not to think them necessary for our Safety at home, since he has lately disbanded some of our own; and we cannot find we are under any direct Stipulation to maintain them for the Safety of our Allies Abroad, who notwithstanding the various Engagements and Multiplicity of Treaties, with which we have, within the Compass of a few Years, most incautiously (as we fear) entangled ourselves, have no Right to require Succours from us, till by some Molestation or hostile Attack the publick Tranquillity is disturbed; which Misfortune may still (as we hope) be prevented, if such Measures are taken as it becomes able and upright Statesmen always to pursue; if the Reputation of our Wisdom and Power is alone sufficient (as it ought to be) to procure us equal and useful Alliances (and it always will be, when the Affairs of the Kingdom are administer'd as they ought to be) and if to save our Friends from Dangers that perhaps are only imaginary, we do not run into real ones ourselves.

*Berkshire, Scarsdale, Strafford, Coventry, Huntingdon,  
Northampton, Montjoy, Cranston, Plymouth, Maynard,  
Boyle, Oxford and Mortimer, Abingdon, Aylesford, Wil-  
loughby de Broke, Litchfield, Gower.*

May

**The Parliament  
prorogued.**

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### Debate on an Address of 'Thanks, for the King's Speech at opening the Fourth Session.

ON the 21st of *January* the King opened the Session with a Speech to both Houses, wherein, after taking Notice of the uncertain State of Affairs in *Europe*, his Majesty desir'd their Assistance to enable him to make good his Engagements with his Allies, for putting in Execution the Treaty of *Seville*.

The King being withdrawn, the Duke of *Devonshire* (a) D. of Devonshire. mov'd for an Address of Thanks, and to assure his Majes-

**Ld Carteret.**

The King being withdrawn, the Duke of *Devonshire* (a) mov'd for an Address of Thanks, and to assure his Majesty, that they would enable him to make good his Engagements : Hereupon the Lord *Carteret* (b) moved for a Clause to be added to the Address, *viz.* Humbly to beseech his Majesty, not to enter into any Measures for carrying on a War against the Emperor on the *Rhine*, or in *Flanders*. His Lordship was seconded by the Earls of *Winchelsea* and *Strafford*. To this it was answer'd by the Dukes of *Newcastle* and *Argyle* (c), 'That tho' they knew no Intention of a War on the *Rhine* or the *Netherlands*, yet the telling the Emperor where he must be attack'd, and where not, was, in Military Affairs, the greatest Absurdity, and would rather hinder than forward an Accommodation : And that when the Emperor came to hear of the zealous Resolutions of the Parliament, for enabling his Majesty to make good his Engagements with his Allies for putting in Execution the Treaty of *Seville*, his Imperial Majesty would be thereby induc'd to comply with the Conditions thereof. Then the Question being put upon the Lord *Carteret's* Motion, it pass'd in the Negative by 84 against 23. After this the Address, as first mov'd by the Duke of *Devonshire*, was agreed to : And the next Day presented to his Majesty as follows :

**E. of Winchelsea.**

**E. of Strafford.**

**D. of Newcastle.**

**D. of Argyle.**

### The Address.

*Most Gracious Sovereign,*  
**WE** your Majesty's most dutiful and loyal Subjects,  
the Lords Spiritual and Temporal in Parliament  
assembled, humbly beg Leave to return your Majesty the  
Thanks of this House for your most gracious Speech  
from the Throne.  
The many fatal Consequences attending the Treaty of  
*Vienna.*

(a) Appointed Lord Privy Seal, 12th June, 1731.

(b) Late Lord Lieutenant of Ireland; succeeded therein by the Duke of Dorset in June, 1730.

(c) Master-General of the Ordnance, &c.

*Vienna*, which affected all *Europe*, but more particularly Anno 4. Geo. II. this Nation, could only have been obviated by dissolving that dangerous Union : This the Measures formerly taken, and the Conclusion of the Treaty of *Seville*, have not only accomplished, but have even join'd one of the great contracting Powers of the Treaty of *Vienna*, to the Allies of the Treaty of *Hanover*.

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Your Majesty having thus laid a sure Foundation of the publick Tranquility, if the just Conditions of the Treaty of *Seville* were complied with, and having, in Pursuance of your Engagements with the Allies, used all Endeavours to obtain that happy End ; it is highly our Duty to persevere in that Zeal for your Majesty's Honour, and the publick Faith of the Nation, that all the Parties of that Treaty, who are under mutual and indispensable Obligations for the Execution of it, may find nothing wanting on the Part of *Great Britain*.

We therefore humbly beg Leave to assure your Majesty, that the same Zeal and Vigour, which has hitherto appeared in this House, for the Support of your Majesty and your Engagements, shall continue to be so manifest, in all our Proceedings, to the contending Powers Abroad, that there shall as little Doubt remain, to the utmost of our Power, of your Majesty's being fully enabled in all Events to procure Satisfaction to your Allies, if Force should be necessary, as there is of your Majesty's known Inclination, from a Tenderness to your People, and Concern for the Peace of *Europe*, to prevent by any just Accommodation the bad Consequences of a general Rupture.

We shall, in the mean Time, give all possible Dispatch to the publick Business, and whenever your Majesty shall be graciously pleased to ask our farther Advice and Assistance, this House will come to such Resolutions as become dutiful and faithful Subjects, tender of the Effusion of Blood, and the Expence of publick Treasure, but unalterably steady in maintaining the Honour of the Nation, and the sacred Faith due to publick Treaties ; ever mindful that we owe the Enjoyment of our happy Constitution to the Settlement of the Crown in your present Majesty's Royal Family, and contributing all that is in our Power, that your Majesty may long wear it with Ease and Honour, undisturbed by Enemies, at Home or Abroad.

To which his Majesty return'd the following Answer :

*My Lords,*

I Thank you for this dutiful and loyal Address. The King's Answer. enabling me to fulfil my Engagements with my Allies in all Events, will not only effectually secure and continue



Acto 4. Geo. II. " tinue to my People the Advantages stipulated for them  
 1730-31. " by Treaties, but may greatly contribute to the obtaining  
 " of a general Pacification."

Debate on the  
 Bill against Pen-  
 sioners in the H.  
 of Commons.

Feb. 20. A Bill from the Commons, *For making more effectual the Laws in being for disabling Persons from being chosen Members of, or sitting or voting in the House of Commons, who have any Pension during Pleasure, or for any Number of Years, or any Offices bolden in Trust for them; by obliging Persons hereafter to be chosen to serve for the Commons in Parliament to take the Oath therein mentioned,* was read the first Time, and order'd to be read a second Time on the 2d of March.

D. of Newcastle.  
 D. of Argyle.  
 E. of Ilay.

Accordingly the Bill, being then read a second Time, occasion'd a great Debate. The Dukes of *Newcastle* and *Argyle*, and the Earl of *Ilay*, who oppos'd the Bill, urg'd; ' That in case such a Bill should pass into a Law, it would not be in the Power of the Crown to reward those who had done signal Services to the Publick, without at the same Time disabling them to serve their Country as Members of the House of Commons, which was most unreasonable; for a Man who had before served the Publick so well, as to deserve not only the Thanks of the People, but a Reward from the Crown, was in their Opinion the most proper Person to be entrusted by the People in Parliament: That many of those Posts that are for Life required so close an Attendance, that the Persons who enjoy'd them could not stay for any Time at *London*, or attend the Business of Parliament; and that there were many other Places, the Possessors of which were by the Laws then in Being disabled from being Members of the House of Commons: That the Variety of the Publick Business made it necessary to employ so many Gentlemen of Character and Education, that it was not in the Power of the Crown to provide sufficient Rewards for all those who had served the Publick faithfully in their respective Stations, without giving Pensions to some, till an Opportunity offer'd for providing better for them; and it would be hard to exclude any Man from serving his Country in Parliament, only because the Crown, which was the Distributer of Publick Rewards as well as Punishments, had shewn a due Sense of his past Services; That such a Method would be a depriving the Publick of its most faithful Servants, which would tend to the Destruction of the Commonwealth in general, instead of contributing to the Support of the Liberties of the People.'

' That they could find no sufficient Provision in the Bill then before them for preventing Bribery and Corruption, which was the Evil they intended to guard against; for no  
 good'

good Man would take a Bribe from any Minister with an Intention to betray his Country ; any Man that would do so must be an abandoned Wretch, and every one knew how little Regard such Men had for any Declaration upon Oath, where no Witnesses could be brought to prove the contrary of what they swore : So that in their Opinion the Bill as it then stood might give occasion for a great deal of Perjury, without contributing in the least to prevent the Evil it was intended against ; and therefore they could not but be against a Bill, which they foresaw might do a great deal of Mischief, without doing the least Good.

The Bishop of Bangor\* spoke against the Bill. His Lordship of Bangor attedg'd, That though this Bill † at first Sight seem'd  
1731. F to

\* Dr Sherlock, translated to Sarum in Oct. 1734, in the room of Dr Hoadley, who was translated to Winchester, on the Death of Dr Willis.

† This Speech made such a Noise without Doors, that immediately after the Session was up, a Letter was printed in the News-Papers in justification of it, dated from Cambridge, April 27, 1731. The Writer of which proceeds thus, --- ' If a great Appearance of Zeal against Bribery and Corruption were a certain Sign of Integrity, I should felicitate you upon our present State of Purity. But he who cries STOP THIEF loudest, is not always the honestest Man in the Crowd. Knaves dare not, and honest Men will not defend Corruption ; and hence comes the general Consent in such Cases.'

' But the present Question is not, whether Bribery is a bad Thing, or no ; which neither the honest nor dishonest Part of the Nation will dispute with you. The single Point is, whether the Method, proposed to stop Bribery, be an effectual Method, and consistent with our Constitution.'

' To clear this to myself, and to know upon what Grounds some of our learned'd Characters oppos'd a late Bill, commonly call'd a Bill against Bribery and Corruption ; I got with some Difficulty one of the printed Bills, with the Blanks filled up. As I heard that it related to Places, Pensions, and all Rewards and Gratuities whatever from the Crown, I was in full Expectation of finding every Member of the House of Commons made incapable of taking or receiving in his own Name, or in Trust, any Place, Pension, Reward or Gratuity whatever. But to my very great Surprise, I found nothing like it. The Bill creates no new Incapacity ; and had it pass'd into a Law, any Member notwithstanding might have taken any Reward, or any Gratuity from the Crown, which he could obtain. How then are Bribery and Corruption shut out ?'

' All that I can find in the Bill is this : — Every Member of the House of Commons is to swear to this Effect : ' That he will not, directly, or indirectly, take or receive any Reward or Gratuity, ' (I will confine myself to this Part of the Bill) ' from the Crown, during the Time of his being a Member : Or, that if he does receive any Gratuity or Reward, he will declare it to the House of Commons within fourteen Days. If any Member neglects or refuses to take this Oath ; or, if taking a Gratuity or Reward afterwards, he does not declare it to the House, he is made subject to the Pains and Penalties of Perjury, &c.' The same Provision extends to Places and Pensions.'

' The Whole, you see, comes to this : The Members may take what Rewards, what Gratuities they please, provided they declare what they take within fourteen Days to the House of Commons.'

' You, and every Man must naturally ask, what is to be done in Consequence of this Declaration ? To this Question I can give no positive Answer ;

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to be a self-denying Bill ; and, to some particular Members might perhaps prove so : Yet he suspected the Commons, consider'd as a House of Parliament, would find in it a very great Enlargement of Power : That whatever tends  
to

Answer ; for here the Bill stops short, and gives not the least Intimation of the Use to be made of this Declaration : And yet can it be thought that no Use is to be made of it ? and that the whole Bill means nothing ?

‘ Consider then, whatever Use is to be made, it must be by the House of Commons only. — There the Declaration is to be made. And it would, I suppose, be a Breach of Privilege for any Person in this Kingdom to take Cognizance of what passes there. Besides, the Use must be Discretionary and Arbitrary ; for there is nothing in the Bill to direct, much less to limit the Use to be made of this Declaration. Suppose now any House of Commons hereafter should refer the Consideration of all such Declarations to the Committee of Elections ; there the Merit of the Person who receives, the View and Design of the Crown who gives the Reward, must come in Question ; and though they should be judged of there, and determined with the same Honour and Justice ( and I make no doubt but they would ) that Elections are, yet nevertheless I fear the Consequence of erecting such a Judicature would be injurious to the Constitution.’

‘ We have had several Laws to render Persons under certain Circumstances incapable of Offices of Trust ; but in all such Cases, the Incapacity rests upon the Subject ; the Honour and Dignity of the Crown are saved, and not exposed to the Censure and Judgment of the People : I remember no Law that leaves the Crown at Liberty to give, and sets up a Judicature to condemn or approve the Gift. I apprehend such a Power in the Subject to be absolutely inconsistent with our Constitution ; and that it is every where a Branch of the supreme Power ; and that wherever it is placed, it must necessarily draw the Supreme Power to it. We have Instances in our own History, when Powers of this Sort have been assumed ; but never, I think, without ending in the Ruin of the Crown. Once too the House of Lords, by this and the like Methods, lost their very Being ; and is it to be wonder'd at, if they are jealous of every Approach, every Tendency to the same Power in the House of Commons ?’

‘ You may think, perhaps, that I carry this Matter too far ; and that the Commons could have no such Meaning as this. I am as willing to think honourably of the Commons of Great Britain, as you are. But consider, Laws are not to be made upon a Presumption that Men will be so honest as not to abuse them ; nor is it enough to say, that they who propose the Law, mean no Harm by it. It must be considered, not only what is intended by a Law at present, but also what Use may possibly be made of it hereafter. And can any Man pretend to say, that no House of Commons hereafter will ever ground any partial Proceedings on this Bill ? And if any House of Commons should, who can hinder them ? It will be too late to complain, when the Case happens ; which, whenever it happens, will be remediless. In some Instances it may be right to pass Laws in Hopes of good Success, and with a View of repealing them, if they should not answer the End proposed : But in the present Case, where the Consequence to be feared is a new Power unknown to our Constitution ; a kind of Supreme Judicature to arise in the House of Commons ; if such Consequence should prove real, how shall the Evil be cured ? Do you think the Law would be easily repealed ? That the Commons would consent to give up the Power, after they had found what

to break the Balance between the Powers essential to this Constitution, must sooner or later prove the Ruin of the Whole: That an independent House of Commons, or an independent House of Lords, was as inconsistent with our Constitution, as an independent, that is absolute King : That

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whoever

what Strength it gave them ? I am afraid, Not : And therefore Bills of this Kind are not to be passed to try Experiments ; or upon probable Presumptions that they may not be abused : For should the Experiment miscarry, and the Presumption fail, it might prove fatal to the Constitution, and be an Evil never to be removed.

Consider farther : If this Power should ever be allowed, how far it will extend. It must go to all Rewards and Gratuities whatever, receiv'd directly or indirectly, by any Member of the House of Commons. I think there is nothing in the Power of the Crown to give or grant, but may be taken in under these general Words. There are great Offices in the Kingdom, which, as the Law now stands, do not disqualify those who hold them from sitting in the House of Commons. But if you consider them as Rewards or Gratuities given by the Crown, (and what shall hinder their being so considered ? ) they must be affected by this Bill, and they who hold them, made subject to such Scrutiny and discretionary Judgment, as shall at any Time, in Consequence of this Bill, be exercised in the House of Commons.

If the Relation of a Member is advanced to any Office, it may be construed as a Reward, indirectly at least, to the Member, and he made answerable to the House under the Suspicion of Bribery. And considering how numerous the Relations of the best Families are, how often the Subject stands in need of the Favour of the Crown for the Pardon of Offences, for the Remitting of Fines, or Forfeitures, for renewing Leases, Grants, Patents, and the like ; it will always be in the Power of a Majority to fix the Guilt of Bribery upon those who are not in their Favour, and either to turn such Members out as corrupt Men, or by the Terror of such Usage make them subservient to their own Ends.

There is little Difference between a Power to give Places, and a Power to approve or disapprove the Gift of them by another. What must this Power be in the Hands of the Commons, joined to the sole Right they claim of giving Money, to the Right of determining all disputed Elections, to the Right of calling to Account every Minister and Officer in the Kingdom, and to many other Powers now, and anciently exercised by the Commons ? Must they not grow too great to be controul'd or check'd by the other Branches of the Legislature ? And may they not, in such a Plenitude of Power, think the House of Lords to be (what in such Case it properly would be) of no Use ? Should a Republican Spirit ever possess a House of Commons, invested with such uncontrollable Power, (and what has been, may be again) how long could our ancient Constitution, on which our Religion, Liberties and Properties depend, subsist ?

Upon this View, which I have given you of the Bill, and its Consequences, it will not be hard for you to apply properly the Words of a learned Prelate, (one too long, and too well known in this University, to be suspected here to be a Pleader for Bribery and Corruption) and to see upon what Foundation the Apprehension therein express'd of an Independency to accrue from this Bill, to the House of Commons, was grounded.

This Writer then assures Us the Speech as above-cited, was in the very Words the Bishop spoke ; and concludes, ' What think you, Sir ? Are they either empty Sounds, or capable of the wicked Construction that has been put upon them ?

Anno 4. Geo. II. whoever loves the Liberties and Laws of his Country, would  
 1730-31. no more desire to see one than the other. Let Bribery be punished, added his Lordship, let Corruption be punished, but not by giving so much Strength to one Power of this Constitution, as shall make it able to overbear the rest.

E. of Winchelsea.

Ld Carteret.

Ld Bathurst.

The Earl of *Winchelsea*, the Lord *Carteret*, and Lord *Bathurst* spoke for the Bill, and insisted much upon the Dangers accruing from Bribery and Corruption; they shewed that the *Roman* Common-Wealth had been thereby ruined, and that the *Roman* Emperors govern'd as arbitrarily and tyrannically, with Consent and Approbation of the *Roman* Senate, by the Means of Bribery and Corruption, as if there had been no Senate at all: That the endeavouring to prevent corrupting the Members of the House of Commons was doing no Injury, or offering any Affront to the Crown; but, upon the Contrary, it was providing for the Honour and Safety of the Crown; for it was not to be supposed that the Crown would ever bribe or corrupt the Members of the House of Commons: That that House was the grand Inquest of the Nation, from whom the Crown was to receive Information of all the Complaints and Demands of the People: That the Safety of the Crown depended upon the Affections of the People, and it being impossible to preserve their Affections, without a thorough Knowledge of their Complaints and Desires, it was therefore for the Interest of the Crown, that the Channel, through which such Information was to be convey'd, should remain pure and incorrupt.

That Bribery and Corruption were never to be dreaded, nor would ever be put in Practice but by Princes of an arbitrary and tyrannical Disposition, or by wicked Ministers who were resolved to plunder the Nation, and would therefore give Hundreds to such as would stoop to be their Tools and Agents, in order that they might squeeze Thousands from the People: None but such wicked Men would ever endeavour to bribe any Man, or to prevail upon him to betray his Trust; against Such the People ought always to be upon their Guard; by such even this Nation had suffered, and therefore they had the more Reason to take all possible Care to prevent the like for the future: That tho' this Bill should pass into a Law, the Crown would still have Power enough to reward those who had deserved well of their Country; for there were Sine-cure Places enough in the Kingdom, of Honour and Profit for Life, to reward all those who had done any real Service to their Country, unless it was to be supposed, which they hoped would never be the Case, that every Man was to have a Reward, who voted in Parliament which ever Way the Ministers of the Crown pleased to direct him: But that in Case there should be any  
 Deficiency



Deficiency, the Crown had it in their Power to give such Reward as they thought proper, by granting a Pension for Life to the Person who had done any signal Service to the Publick, without subjecting him to any of the Forfeitures or Disabilities in that Bill or any former Law contained; and those who had done any such signal Service deserved a Provision for Life, in case they stood in Need of it, and not to be left depending for their daily Bread upon the Whim of a Minister.

Anno 4. Geo. II.

1730-31.

‘That as to the Method for preventing Bribery and Corruption proposed by the Bill then before them, they wished that any Method more effectual could be contrived, but it’s not being in their Power to contrive a Method, which might be called an effectual and absolute Bar to the great Evil of Bribery and Corruption, was no Reason why they should refuse the Method that was, or any Method that could be proposed: That they were sorry to find the Sanctity of Oaths so much ridiculed and neglected, as they feared they were in the present Age; but they hoped it could be no Crime in them to lay a Man under the Necessity of being guilty of Perjury, before he could be guilty of the other Crime of betraying his Country: Few Men, they said, became at once wholly abandon’d, and the Horror of being guilty of a false Oath might perhaps have more Weight with some Men, than the Horror of being guilty of a Breach of Trust, which is a Crime of such a Nature, that the Guilt of it is not always apparent at the Time it is committed: That even the most wilful Betrayers of their Country are seldom sensible of the fatal Consequences of their Treachery, till they find themselves involv’d in the Ruin that they have brought upon their Country.’

The Earl of *Strafford* said, ‘That tho’ some Men might be hardy enough to declare a Falsity upon Oath, where there was no Man present, who, as they thought, knew the contrary, yet, he believed, no Man would have Assurance enough to declare upon Oath, that he had no Pension, in the very Face of the Man who paid him his Money, and who, upon hearing such a Declaration, must know and must think him a most abandon’d Villain; for no Man could well bear to be thought or known a downright Villain even by his greatest Enemy, and far less by his Bosom Friend.’ And, in Answer to the Bishop of *Bangor*’s Argument, his Lordship urg’d, ‘That he was as far as any Man from having the least Thought of weakening that legal Dependence, which each of the Branches of our Constitution had upon the other two, nor could they find any such Tendency in the Bill before them: What they were for, and what every good Christian must be for, was all that was or could be intended by that

E. of *Strafford*.

Anno 4. Geo. II.  
1730-31.

that Bill, and that was to prevent any pernicious and corrupt Dependence of the House of Commons upon the Servants or Ministers of the Crown : ' He insisted ' That there was no Clause in that Bill, that could ever give Occasion to the House of Commons to assume any new or extraordinary Power : That tho' it was provided by the Bill, that any Member refusing to take the Oath therein mentioned, should, by such Refusal, forfeit his Seat in Parliament ; it was only subjecting the Member to a Forfeiture, but giving no new Power to the House, except that of administering the Oath ; for if the Member had no Pension, he might freely take the Oath, and if he had such Pension, he was by former Laws declared incapable of having a Seat in Parliament ; so that all that was new in this Bill was only a new Method of discovering, whether or no a Man was capable of being a Member by the standing Laws of the Realm : That as to the other Part of the Bill, whereby a Member is obliged to declare to the House when he receives any Gratuity, &c. from the Crown, the House of Commons had no new Power given them by the Bill, but only the Power of receiving such Declaration ; for if the Gratuity that he had received from the Crown did not disable him from continuing a Member by former Laws, the House could not, by any Clause in this Bill, proceed to determine that to be an Incapacity, which was not declared so by former disabling Laws ; and whether a Man be by Law under any Incapacity of being a Member, was always under the proper Cognizance of that House, and could not belong to any other Judicature whatever : That it was not possible that ever the House of Commons could, from any Words in that Bill, assume a Power of judging or determining whether any Person receiving a Gratuity from the Crown, deserved such a Gratuity or no ; or that they could draw any other Consequences from such a Declaration, but only to determine, whether the accepting of such a Gratuity or Reward came under any of the disabling Laws in Being ; and without such Declaration, wherever the House could prove that any Man accepted of an Office or Gratuity, which subjected him to any legal Incapacity, they were the Judges, and could declare his Seat in Parliament vacant by the Laws formerly enacted ; so that in this Case also all that was intended by the Bill then before them was, a new Method of discovering whether any of their Members, had fallen under the Description of any of the former Laws for disabling Persons from sitting or voting in the House of Commons : That these disabling Laws were certainly thought reasonable, otherwise they would have been repealed : That the Incapacities introduced by these Laws were necessary for the Preservation of our Constitution ; and if the Methods

formerly

formerly provided were not sufficient for discovering of those Incapacities, new Methods must be contrived, which was the only Intention of the Bill then before them.' Anno 4. Geo. II.  
1730-31.

The Debate being over, the Question was put, That the Bill be committed; which was resolved in the Negative. The Pension-Bill rejected.  
Then the Question being put, That the said \* Bill be rejected; it was resolved in the Affirmative.

### *Dissentient*,

I. Because the Reasons which were entered on our Journals last Session for the Commitment, and against the Rejecting of this Bill, can, in our Judgment, have nothing of Weight said against them, as we think they want little to be added to them; tho' they seem to us to be strengthened on this Occasion, lest our second Refusal to concur with the House of Commons, in what solely regards their own Members, and without any Arguments offered to them in a Parliamentary Way for that Refusal, should be look'd upon by them as unkind, if not unprecedented Treatment; and should, in the Opinion of many disinterested Lovers of our ancient Frame of Government, too justly create in them a Resentment that might interrupt the Harmony between the two Houses, which is necessary for carrying on the most important Affairs of the Nation.

II. Because the Commons seem'd to think this Bill is wanted; and, we are persuaded, it is earnestly desired by the People, and so wisely contrived, by a solemn and strict Oath of Purgation, to guard against secret Corruption in that Place, where, if ever it should be prevalent its Consequences would be most pernicious and extensive, that, we fear, we should be expos'd to some uncharitable Suspensions, if we did not, in this most authentick Manner the Constitution of Parliament will allow, from a becoming Zeal to hinder the Infection of so mischievous an Evil from spreading among others, give an undeniable Proof that we are untainted with it ourselves.

### III. Be-

\* The only Difference between this Bill, and that rejected the preceding Session, [See p. 30.] is the following Clause, 'That no Person shall be liable to any Disability, Incapacity, Forfeiture, or Penalty, unless Prosecution be commenced within one Year next after the Disputation, or other Determination of the Parliament in which such Disability, Incapacity, Forfeiture or Penalty shall be incurred; or, in case of a Prosecution, unless the same be carried on without wilful Delay.' This Clause was now added by the Commons, to obviate an Objection made in the House of Lords, viz. That it was unreasonable that Persons, who had once been Members of the House of Commons, should remain liable all their Life after to such severe Prosecution, as was introduc'd by that Bill, since it might affect them after a Removal from the lower House, to a Seat in the House of Lords.



Anno 4. Geo. II.  
1730-31.

III. Because a Member of Parliament, who is not ashamed to accept a Gratuity for any Service which he is ashamed publicly to avow, must be conscious to himself, as we fear, that he is guilty of an immoral Action; and therefore we conceive ourselves not only obliged in Policy, but in Conscience, to yield our Assent to a Bill, that, as far as we could apprehend upon the most mature and serious Reflection, contains a proper Expedient in this limited Monarchy, to preserve both the Innocence and Independency of elected Legislators, and that we had reasonable Hopes would, in a great Measure, have prevented the Danger of an infamous Breach of Trust of the highest Nature, reposed in every single Member of the lower House, for the Benefit of the whole Community; which we think a Crime that ought to be dreaded by us, as good Patriots, and that we are bound to abhor as sincere Christians.

IV. Because we cannot, but with Grief of Heart, lament the Loss of that Opportunity, which, by enacting this Bill into a Law, we assure ourselves his Majesty would have embraced with particular Satisfaction, of demonstrating to all his Subjects, that he is incapable of suffering an improper Use to be made, by any of his Servants, of that large Revenue, which a Parliament, liberal beyond any Example of their Predecessors, so cheerfully gave him; or of entertaining the least Thought himself to the Prejudice of the Liberties or Properties of his People, by any unjustifiable Influence on their Representatives.

*Bruce, Berkshire, Northampton, Plymouth, Bedford, Foley, Gainsborough, Oxford and Mortimer, Willoughby de Broke, Gower, Maynard, Abergavenny, Strafford, Tbanet, Warrington, Aylesford, Lancaster, G. S. Lichfield, Cadogan, Bristol, Coventry, Bridgewater, Abingdon, Boyle, Bathurst.*

State of the National Debt.

March 11. The State of the National Debt was laid before the House, by which it appears, that on the 31st of December 1729, it stood thus, 49,725,260 *l.* 14 *s.* 8 *d.* 2 *q.* Increased from December 31, 1729, to December 31, 1730, 55,000 *l.* Paid off 1,043,900 *l.* Total on the 31st of December 1730, 48,736,360 *l.* 14 *s.* 8 *d.* 2 *q.*

Debate on a Bill for importing unwrought Wooll from Ireland into England.

April 29. The Lords read a first Time a Bill, *For the free Importation of Wooll from Ireland into England*; the Design of which was to prevent the clandestine Practice of Running unwrought Wooll to France. The Earl of Strafford mov'd to reject it, as a Bill that would be pernicious to this Kingdom, since the *Irish* would pour in such Quantities of Wooll upon us, as would sink the Price of Lands in England.

E. of Strafford.

*England*, and raise the Poor's Rates, which are much increased of late Years. The Earl of \* *Scarborough*, Lord *Bathurst*, and Others, argued the Necessity of such an Importation, to restore our Woollen Trade, and put a Stop to the *French* Manufactures of Cloth; and observed, That when the *Irish* came to find a Market for their Wooll in *England*, they would not then think of exporting it to Foreign Parts: At last it was agreed to read the Bill a second Time: But it never pass'd.

Anno 4. Geo. II.

1731.

E. of Scarborough.  
Ld Bathurst.

May 1. A Motion was made by Lord *Bathurst*, 'That an Address be presented to his Majesty, humbly to desire that he would be graciously pleased, for the Ease of his Subjects, to give Directions for discharging the *Hessian* Troops now in the Pay of *Great Britain*. His Lordship was supported by Lord *Carteret*, the Earls of *Strafford* and *Winchelsea*, Lord *Gower*, and Lord *Willoughby de Broke*, who spoke for the Question, and argued the Necessity of discharging the said Troops, especially now that a Peace is made with the Emperor; and that there is so good a Prospect of the other Powers acceding thereto.' But the Dukes of *Newcastle* and *Argyle*, the Earls of *Illy* and *Scarborough*, and the Lord *King* † alledged, 'That it was not reasonable to discharge the said Troops, before the Ratification was arrived from *Vienna*, and the principal Powers had acceded thereto; besides that his Majesty ought to have the Merit of discharging the said Troops himself, who it was not to be doubted, would take the first Opportunity of so doing, whether he was addressed or not: That what was chiefly contended for, was perhaps not above a Month's Pay for the said Troops, since it was likely that in that Time they might be discharged by his Majesty; and that the keeping up of these Troops had induced the Emperor to agree to a Peace.' At last the Question being put on a Division it pass'd in the Negative, by 73 against 22.

Debate on a Motion for an Address to the King to discharge the 12,000 Hessian Forces.

Ld Bathurst.  
Ld Carteret.  
E. of Strafford.  
E. of Winchelsea.  
Ld Gower.  
Ld Willoughby de Broke.  
D. of Newcastle.  
D. of Argyle.  
E. of Illy.  
E. of Scarborough.  
Ld King.

May 3. The Lords in a Committee on the *English* Law-Bill, went through the same after Debate. Those who were against it, alledged, 'That great Difficulties would arise in translating the Law out of *Latin* into *English*; and instead of being an Ease to the People, it might, perhaps, be the Occasion of great Disputes, and multiply Law-Suits, in regard to the Interpretation of *English* Words: And the Lord *Raymond* ‡, saying, 'That if the Bill pass'd, the Law must likewise be translated into *Welsh*, since many in *Wales* understood not *English*.' The Duke of *Argyle* reply'd,

Debate on the English Law-Bill

Ld Raymond.  
D. of Argyle.

1731.

G

\* That

\* Master of the Horse to the King.

† Lord High Chancellor.

‡ Lord Chief Justice of the King's Bench.

Anno 4. Geo. II.

1731.



‘ That the Meaning of the Law had been long understood by the Interpreters thereof, the Judges, and would surely be so when translated : That our Prayers were in our Native Tongue that they might be intelligible, and why should not the Laws, wherein our Lives and Properties are concern’d be so, for the same Reason ? His Grace added, ‘ That he was glad to see that the said Lord, perhaps as wise and learned as any that ever sat in that House, had nothing more to offer against the Bill than a Joke.’ Other Lords instanc’d, ‘ That in the Reign of King *Edward III.* \*, an Act of Parliament pass’d, *For having the Laws in English, and not in French, as they then were, for the Ease of the People.*

E. of Ilay.

After this a Debate arose about the Law-Proceedings being wrote in a plain legible Hand, and not in any Court-Hand ; wherein the Earl of *Ilay* said, ‘ That in *Scotland* they had come to that Pass, that Writs, which were to be executed by Sheriffs, were wrote in Characters so hard to be read, that the Sheriffs knew nothing of the Contents ;’ His Lordship therefore moved for an Amendment to the Bill, *viz.* ‘ That the Proceedings in the *Exchequer of Scotland*, be also wrote in a plain legible Hand, which was agreed to ; as likewise that the Records be wrote in the same Hand as Acts of Parliament are engross’d. The next Day the Lords read a third Time, and pass’d the said Bill, and sent it back to the Commons.

The Parliament prorogued.

*May 7.* The King came to the House, and prorogued the Parliament to the 27th of *July* : They were afterwards, by different Prorogations, prorogued to the 13th of *January*.

\* See the Statute of 37, *Edward III.* Cap. 15.



## The FIFTH SESSION of the FIRST PARLIAMENT of King GEORGE II.

ON the 13th of *January* the King open’d the Session with a Speech to both Houses, and his Majesty being withdrawn, the Earl of *Marchmont* † moved for the following Address of Thanks, which was presented the next Day.

Address of  
Thanks for the  
King’s Speech at  
opening the fifth  
Session.

*Most Gracious Sovereign,*

WE your Majesty’s most dutiful and loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, come with Hearts full of Duty and Gratitude to  
‘ return

† Lord Clerk-Register of Scotland, and Privy Counsellor.

return the humble Thanks of this House for your Majesty's most gracious Speech from the Throne. Anno 5. Geo. II. 1731-32.

We should appear insensible of our own Happiness, and disregardful of the Honour of this Nation, if we did not beg Leave to congratulate your Majesty, on your having made the Crown of *Great Britain* so great and signal an Instrument of restoring and securing the general Tranquility of *Europe*, and that in a Manner the most advantageous and most honourable to this Kingdom: Such is the Success we may justly expect will ever attend the Measures of your Majesty, pursuing steadily the true Interest of your People, and assisted with the Advice and Support of a *British* Parliament.

Your Majesty has been graciously pleased to recapitulate the several Treaties and Negotiations framed and carried on, during many Years past, for the adjusting the different Interests and interfering Views of the great Powers of *Europe*, which, though calculated with the greatest Wisdom and Justice for to desirable an End, have, through a long Scene of violent Contentions, met with those unavoidable Delays, which your Majesty, in Tenderneſs to your Subjects, and out of an Anxiety for their Happiness, has so often been pleased to regret from the Throne. We have now the great Satisfaction to observe, that those very Difficulties and Distractions, those jarring and contending Interests, opposite to the publick Good, and to each other, have, by your Majesty's wisely improving each critical Conjunction, by reconciling mutual Pretensions and Claims, or by defeating and disuniting dangerous Leagues and Conjunctions, and above all, by an uninterrupted Perseverance in maintaining the Rights and Possessions of this Kingdom, been each made subservient and contributing, in various Ways, to the great Work of Peace, which your Majesty has so long laboured to procure for us, and has now happily accomplished.

The Difficulties that attended the Execution of the Treaty of *Seville*, without coming to an open Rupture, and trusting to the uncertain Event of War, so much the Grounds of just Concern and Apprehensions in some, and of secret Hopes, or even Boasts of others, have been entirely removed, with the express Consent of those Princes, who alone claimed a Right to oppose it, and who have themselves become Parties in the making it effectual; and such have been the happy Consequences of your Majesty's Measures, that the most successful War, in which as Experience teaches us the Prosperous do not always reap the Advantage, could, at the Expence of the Blood and



Anno 5. Geo. II.  
1731-32.

Treasure of this Nation, have produced only that quiet and just Balance of Power, which your Majesty, by Negotiations, and just and honourable Treaties, has established.

Your Majesty has not only given immediate Peace to your Kingdoms, and extinguished those Flames that must very soon have embroiled all *Europe*, but in the finishing this glorious Design has carried yet farther your great Views for the publick Tranquility, by framing and concluding the late Treaty of *Vienna*; whereby the Dangers which too evidently appeared likely to arise, or new Differences and Confusions upon future Events, are, as far as human Prudence can operate, obviated and prevented, without entering into any Engagements contrary to former Treaties, or having a Tendency to raise or depress any Power abroad: And it is from this happy Situation of Affairs, we may reasonably hope, that by our duly supporting and defending your Majesty's Government at home, *Great Britain*, instead of being necessarily involved in new Troubles and Convulsions, may with Safety, Ease, and Honour, share with our Allies the happy Benefits of a general Peace.

The whole Series of your Majesty's Actions had already proclaimed the gracious Declaration, which your Majesty in your great Goodness has been pleased to make from the Throne, That the Safety of the Crown and of the People is mutual, and that their Interests are inseparable. This lays us under the highest Obligations to assure your Majesty, that we will proceed in discharging the Trust reposed in us, with such Temper and unanimous Zeal for the publick Good, as becomes a House of Parliament, truly faithful and affectionate to the Prince that reigns over them, fully sensible that our Rights and Liberties depend on the Strength and Security of your Majesty's Government, and endeavouring to merit, in some Measure, the Blessings we enjoy.

To this his Majesty gave the following Answer.

*My Lords,*

His Majesty's  
Answer.

I Thank you for this affectionate and loyal Address. As the Interests of my People, and the securing the Peace and Balance of Power in *Europe*, has been my chief Care and Concern, the Satisfaction you shew in the Success of my Endeavours cannot but be extremely acceptable to me.

You may depend upon my Favour and Protection; and I am persuaded I may always rely upon your Duty and Support."

*Ed.*

Feb. 17. A Message was brought from the House of Commons by Mr Sandys and others, with a Bill entitled, *An Act for making more effectual the Laws in being for disabling Persons from being chosen Members of, or sitting or voting in the House of Commons, who have any Pension during Pleasure, or for any Number of Years, or any Offices held in trust for them; to which they desire the Concurrence of this House.* Anno 5. Geo. II. 1731-32.

Debate on the Pension-Bill.

After reading the Bill, the Lord De la War\* stood up and spoke as follows;

Ld. De la War.

*My Lords,*

' I find that the Bill which has been now read to your Lordships, is to the very same Purpose, and almost in the very same Words with that which has already been twice refused by your Lordships; and therefore I cannot but look upon the sending up of such a Bill as an Indignity offered to this House, for which Reason I must be of Opinion that the Bill ought to be rejected.

E. of Strafford.

The Earl of Strafford spoke next.

' It is very true, my Lords, that a Bill to the same Purpose, and almost in the very same Words with the Bill now before us, has been twice sent up, and as often refused by this House: But we must remember that the Bill never came the Length of a Committee. If your Lordships had last Year thought fit to take the Bill then sent to you under your Consideration in a Committee, the several Clauses thereof would have been particularly examined, and it would have been known what were the Clauses or Words which your Lordships took Exception to; but as no such Thing was done, the Gentlemen of the other House could not know how to amend the Bill, or what Alterations they should make; for which Reason I must think that the sending up of this in the same Words with the former, is shewing the utmost Respect to this House, by leaving it entirely to your Lordships to alter and amend the Bill in such Manner as you shall judge proper.

' Corruption, my Lords, is an Evil that has been always thought to be of a most pernicious Consequence, and therefore there have been many Acts of Parliament made for preventing it: In the very Act of Settlement there is a Clause for this End; in the Reign of Queen Anne there were several Regulations made for the same Purpose; and in the very first Parliament of his late Majesty, there was an Act made for preventing the Effects of this dangerous Evil. This shews that the bringing in of such Bills as the Bill now before us, was never thought to be doing any Injury to

\* Appointed Treasurer of his Majesty's Household in June, 1731.

Anno 5. Geo. II.

1731-32.

to the Crown ; upon the contrary, the Honour and Safety of the Crown depends upon the Honour and Integrity of the Members of Parliament, and therefore we can never presume that the Crown will be against any Measure that can be proposed for preventing any illegal and corrupt Influence upon any of the Members of either House. One Design of bringing this Bill in, and passing it in the other House, was to wipe off any Suspicion of Corruption, that there might be against them : Do not let us, my Lords, deprive them of the only Means they have of convincing the World, that there is no such Thing among them. If there be any Word, if there be any Clause in this Bill, that may seem to be of bad Consequence, your Lordships may amend it, or you may leave it out. An Objection against any particular Clause, may be a Reason for altering or amending the Bill, but it never can be a Reason for throwing it out altogether ; I shall therefore be, my Lords, for ordering it to be read a second Time, that we may have an Opportunity of considering it seriously, and making such Amendments as shall be thought proper.

Jd. Falmouth.

To this Lord Falkland \* replied,

My Lords,

\* The Bill now before us bears a very specious Title or Preamble ; from the first View thereof one would be apt to conclude, that something very beneficial for this Nation were intended ; but upon a more serious Perusal, we find, that at bottom there is really nothing intended, that can in the least contribute to the Publick Good. We all know, My Lords, how some Motions come to be made, and how some Bills come to be brought into the other House. Such Bills as this now before us, are often brought in by Would-be Ministers, that is, by Gentlemen who affect Popularity, and set themselves up as Protectors of the Liberties of the People, and under that Pretence encourage and promote Faction and Discontent, in order thereby to raise themselves to be the chief Men in the Administration of the Publick Affairs of the Nation. I shall always be ready to join in reasonable Measures for insuring the Liberties and Privileges of the People ; and if any Attempts were making against them, I should be as ready as any Man to concert Measures for shortning the Arms of the Crown : But, My Lords, when I find that no Attempts are made by the Crown, against the Liberties of the People ; when I find that the popular Cries for Liberty are raised and spirited up only by the Factious and the Discontented, I shall never be for diminishing the Power

\* Vice-Treasurer of Ireland.

Power of the Crown, especially when I see that it has but just enough to support itself against the Faction and the Disaffected. I remember, My Lords, that a noble Lord put the Question last Session of Parliament, when this very Affair was before the House, how the Pretender would desire one to vote in the Case then before us : If the same Question were now again to be put, I believe the proper Answer would be, that he would desire us to vote for the Bill now before us : I do not doubt, but that he would be for diminishing his Majesty's Power of rewarding those who should happen to merit well of their Country, by a zealous and hearty Opposition to him and his Faction. I hope, My Lords, that there will always be Men of Honour and Integrity enough in this Country to defend us against that Faction, or any Faction, without the Hopes or Expectation of a Reward ; but if it should be found necessary for our Defence, to give Rewards to many of those who assisted in the protecting of the Government against Faction, I would rather chuse that the Government should have it in its Power to give Rewards to those that contributed to the preserving of us, than that the Faction should have it in their Power to give Rewards to those that assisted them in the destroying of us. The Methods proposed by the Bill now before us, are so far from being proper Methods for preventing Bribery and Corruption, that I am afraid they will give such an Encouragement to Faction, as may lead us into Confusion, and therefore I shall be for rejecting the Bill. As this Bill is the very same with that which was refused by your Lordships the last Session of Parliament, I am convinced that the same Reasons which prevailed against it last Session, will now likewise prevail against it ; for my own Part at least, I am sure, that there is nothing since happened, that can afford me the least Pretence for being of a different Opinion.

Anno 5. Geo. II.  
1731-32.

He was answer'd by the Lord Carteret as follows ;

*My Lords,*

Ed Carteret.

‘ I am for receiving this Bill in the most respectful Manner ; first, because of the Dignity of the Subject, next for the Respect that is due to the other House ; and lastly, My Lords, for the Respect that is due to ourselves. The Subject of this Bill is of the utmost Consequence to the Liberties of this Nation ; the Title or Preamble is in my Opinion very proper for such a Subject ; but if it were not so, why may it not be altered ? One Thing, My Lords, I am sure of, that if we treat the Bill with so much Contempt, as to reject it upon the first Reading, the whole People of the Nation will make a Preamble for us. I do not know how this Bill was brought into the other House, nor ought that to be a Question in this ; I do not know whether this Bill was



Anno 5. Geo. II.  
1731-32.

was brought in by Would-be Ministers or no, but I am very certain, that as good Ministers as ever were in *England*, have laid the Foundation for such Bills ; and if Men do act for the Publick Good, it signifies nothing to us, it signifies nothing to the People, what were the Motives that prompted them to act in such an honourable Manner. If it is an Ambition of being Ministers of State, that prompts Men to act for the Publick Good, I hope the Ambition of those that are out, will always be a Barrier for the Liberties of this Nation against the Ambition of those that are in.

‘ It is no Argument against this Bill, that it is in the same Words with the Bill which was sent up to us the last Session. I hope there is no Man in this Nation pretends to be infallible ; your Lordships having refused this Bill last Session, can never be an Argument for your rejecting it now without so much as once taking it into your serious Consideration : Some Arguments may now be brought for passing it, which were not thought of at that Time : The publick Tranquility was not then so firmly established as it is at present, and therefore it may now be thought a more proper Time for us to take Precautions for preserving our Liberties against Domestick Enemies, than it was at that Time, when we were not quite out of Danger of being attacked by Foreign Enemies. If your Lordships should send down a good and a necessary Bill for the Amendment of the Law, and the same should be refused by the Commons, would that be any Argument against ever sending that Bill down to them again in any future Session of Parliament ? Or would their having once refused it, be an Argument for their rejecting it at the first Reading, upon its being brought a second Time before them ? No, my Lords ; if your Lordships were convinced that the Bill was necessary, and drawn up in proper Terms, you would send it down in the very same Words again and again, ’till its own Weight carried it through.’

‘ I am, my Lords, very far from thinking, that any Attempts are now made, or are to be made, during his present Majesty’s Reign, against the Liberties of this Nation : His Majesty has too much Goodness to endeavour any such Attempts, and too much Wisdom to admit of any such being made by those employed by him ; but it is for this very Reason that we ought now to think of, and bring in such Bills as may be any way conducive to the Preservation of our Liberties : His Majesty’s Penetration is such, that he will easily see what is necessary ; and his Goodness is such, that he never will oppose what he sees to be necessary for securing the Liberties and the Properties of his People : whereas if we never think of taking any Precautions against  
arbi-

arbitrary Power, 'till we have a Prince upon the Throne, Anno 5. Geo. II.  
 that is aiming at arbitrary Power, it will then be too late ; 1731-32.  
 such a Prince will never consent to any Measures, or to any  
 Regulations that tend to the defeating of his own Designs.  
 Posterity may have Occasion to lament our Neglect of that  
 Opportunity which his present Majesty's Wisdom and Good-  
 nels daily afford us. There is certainly at present nothing  
 to be feared from Bribery and Corruption: His Majesty  
 reigns in the Hearts and Affections of the People; his De-  
 signs are all for the publick Good, and therefore he has no  
 Occasion for making Use of any illegal and corrupt Sort of  
 Influence; but to pretend, that our present Happiness is a  
 Reason for our not thinking of, or taking proper Pre-  
 cautions against the Evils that may come upon this Nation  
 in future Times, is the same Thing as to say, you are not  
 to bring in any Bills against Bribery and Corruption, till a  
 Majority of both Houses of Parliament are corrupted: If  
 this should ever happen to be the unlucky Fate of this  
 Nation, we may easily judge what would be the Success  
 of such Bills, in such Houses of Parliament.

The Duke of Newcastle spoke next :

*My Lords,*

' If this Bill had no other Aim, but that of preventing D. of Newcastle.  
 Bribery and Corruption, I should be for it with all my Heart ;  
 but we can easily see that the Intention of this Bill is to give the  
 other House an Opportunity of assuming a Power which  
 they never yet pretended to, and their assuming thereof  
 would be the entire Overthrow of our present happy Con-  
 stitution. By this Bill, my Lords, the House of Commons  
 may assume a Power of judging what Rewards or Gra-  
 tuities are proper to be given by the Crown to any  
 Member of that House ; for tho' the Bill says only, that  
 the Members of that House are to declare what Gratuities  
 or Rewards they receive from the Crown, within Fourteen  
 Days next after the Receipt thereof, yet, my Lords, we are  
 not to suppose that the Affair will rest there ; we may ea-  
 sily foresee that the Consequence of every such Declarati-  
 on will be, that the House will thereupon enter into the  
 Consideration of the Declaration that has been made to  
 them, and will take upon them to determine whether or  
 no such Gratuity was given by Way of Bribe ; so that  
 thereby the Crown will be entirely disabled from giving  
 any Reward to a Gentleman that has merited well of his  
 Country, at least as long as he continues to be a Member of  
 Parliament. This, my Lords, would, in my Opinion, put  
 so much Power into the Hands of the Commons, that it  
 would entirely overturn that Balance upon which our Con-  
 stitution

Anno 5. Geo. II. to any Bill, that seems to tend towards keeping up a Standing Army in Time of Peace in this Country.

1731-32.

To this the Earl of *Illy* replied ;

*My Lords,*

E. of *Illy*.

‘ I am persuaded that there is not one of your Lordships, but thinks, that it is necessary to keep up some Troops ; we must at least keep up a few regular Troops for our Guards and Garrisons ; granting then that the Number necessary to be kept, did not exceed 500 Men, yet if even that Number be necessary, the Bill now brought in is necessary ; for without such a Bill as is now brought in, it would be impossible to keep even that Number, or any Number of Troops in proper Order or Discipline ; I cannot therefore think, that any of your Lordships will be against this Bill entirely. The Number of Troops proposed to be kept up by this Bill, may perhaps by some be thought too large ; but that Matter cannot properly come in to be debated, till we go into a Committee upon the Bill, and then, My Lords, the Number may be reduced, as this House shall think proper.

‘ It is true, My Lords, that the keeping up of a Standing Army in Time of Peace, without Consent of Parliament, is against the express Words of the *Petition of Right* : But, My Lords, the very Design of this Bill, is to procure that Consent, without which no Standing Army can be legally kept up in this Kingdom. This Bill therefore cannot be contrary to the *Petition of Right*, since it is brought in, in Compliance therewith : Nor can the passing of this Bill make any Alteration in our Constitution : For the Laws of the Kingdom are certainly a Part of our Constitution, and if this Bill were once passed into a Law, it will be as much a Part of our Constitution, as any other Law that ever was made ; this indeed will be a new Law, but that can be no Argument against its becoming a Part of our Constitution ; for all our Laws have some Time or another been new Laws ; even *Magna Charta* itself was once a new Law ; yet all of them as soon as they were enacted, became a Part of our Constitution, and still continue so, or did continue so, till they were in Part or in Whole altered or repealed.’

The Earl of *Strafford* spoke next.

E. of *Strafford*.

*My Lords,*

‘ It is certainly very necessary for us upon Occasion of this Bill, to take the Army under our Consideration, and to determine what Number of Troops ought to be kept up ; because, My Lords, this is the only Opportunity we can have of reducing the Number allowed of, in case we happen to think it too great ; and in case this Bill goes the Length of a Committee, I shall then take the Liberty to declare

declare my Sentiments upon that Head. But, My Lords, Anno 5. Geo. II.

1731-32.

I now rise up to declare, that I am entirely against this Bill, or any Mutiny-Bill; because I always looked upon it, as setting up a Constitution within a Constitution, or rather indeed, it is the turning of our Civil Government into a Military Government. This, 'tis true, My Lords, we may do by a Law, and that Law when passed will be a Part of our Constitution, yet I hope it will not be said, that such an extraordinary Law would make no Alteration in our Constitution. I cannot be of Opinion, that the keeping up of any regular Troops in this Kingdom is absolutely necessary; but granting that it were, I am certain, that in order to keep such Troops under proper Discipline, it is not absolutely necessary to have a Law against Mutiny and Desertion. I had, My Lords, the Honour to command a Regiment of Dragoons in the Reign of King *William*, which was given to me at the Time of the Siege of *Namur*; and I very well remember, that there was not at that time in *England* any such Law, as what is now by this Bill to be enacted: We had then no such Thing as Mutiny-Bills yearly brought in, nor any such Bill passed into a Law, and yet in those Days, we found Means to keep our Regiments in good Order enough, and I believe there was as exact Discipline observed in the Regiments then quartered in *England*, as has been observed at any Time since. If any of the Soldiers committed any Crime, they were sure to be punished, but then they were punished according to the ancient Laws of the Kingdom: The Officers took Care to deliver them up to the Civil Power, and to see them convicted and punished as severely as the Laws of their Country would admit of, which we always found was sufficient for keeping the Men in good Order, and for making them observe the most exact Discipline.

‘ If I were to enter into a particular Examination of this Bill, I could make strong Objections against several Clauses thereof; I shall only mention that of Desertion, how unnecessary, how cruel is it now in Time of Peace, to punish that Crime with Death? In the Time of War, such a severe Punishment was necessary, it was then just to punish it with Death, because the Deserters were generally at the same Time guilty of the most heinous Treachery; they generally ran in to the Enemy, and turned those Arms against their Country, which their Country had put into their Hands for its Defence. But now in Time of Peace, Desertion has nothing in it of such a heinous Nature; if a poor Fellow deserts, he runs but from one of our own Regiments to another; and the cruel Treatment he meets with from some of the Officers, may often afford him an Excuse, if his

Case



Anno 5. Geo. II. Case be examined by Men of Humanity and Candour. How many poor Country-Fellows, either out of a Frolick, or because they have been disoblged or slighted by their Mistress, go and list themselves for Soldiers? When such a Fellow begins to cool, he perhaps repents of what he has done, and deserts without any other View or Design but that of returning home, and following some industrious and laborious Way of Living in his own Country. Is it not hard, that such a poor Fellow should be shot for such a trifling Crime? The Law perhaps may not be executed with Rigour; that, my Lords, may be an Excuse for the Judge, but none for the Lawgiver; considering that the Officers are the Sufferers by Desertion, and also the Judges in all Trials of that Crime, I think, my Lords, that their not executing the Law with Rigour, is a convincing Argument, that the Pains are too severe; but, my Lords, as I am against the Bill itself, as well as every Clause thereof, I am therefore against giving it a second Reading, or entering into the Consideration of the several Clauses of it.

Then the Question being put, That the Bill be read a second Time, it was carried in the Affirmative.

Protest thereon. *Dissentient*

Because we conceive, that no Countenance ought to be given to any Act that may possibly lessen the Affections of the People to the King, they being his surest Guard; and we apprehend, that the keeping up, in Time of Peace, a greater Number of Forces than can be well governed by the established Laws, is inconsistent with the Notion of the Government of a free People.

*Abingdon, Strafford, Bristol, Litchfield, Exeter.*

March 7. The Order of the Day being read for the House to be put into a Committee of the whole House upon the Bill, intitled, *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.* And a Motion being made, That it be an Instruction to the Committee, that the Number of Men specified in the said Bill do not exceed twelve Thousand.

After long Debate, the Question was put, whether such an Instruction shall be given to the said Committee? it was resolved in the Negative, Content 27, Not-Content 88.

Protest against allowing above 12,000 Men for the Army. *Dissentient*

*Abingdon.*

I. Because so great a Number of Troops as is established by this Bill was never before allowed by Parliament in Time

Time of settled Peace, and no Reason was given in Opposition to the Instruction but what, we conceive, must equally hold good in all future Times; for when can we hope to see a Session of Parliament opened with more satisfactory Declarations and stronger Assurances of Happiness and Security, than those contained in his Majesty's most gracious Speech from the Throne on the first Day of this Session: His Majesty is therein pleased to declare, that his Expectations are fully answered; that the general Tranquility of *Europe* is restored and established; that the tedious Work is perfected and finished; that the Wounds which have been long bleeding are entirely healed; that the National Expence will be considerably lessened, and that the Nation shall reap the Fruits of his Endeavours. In such a Situation of Affairs, we conceive, that we could not act consistently with his Majesty's gracious Disposition to his People, agreeably to the Honour of this House, nor with that Regard we must always have for the Liberties of our Fellow-Subjects, without endeavouring to reduce the Number of Troops specified in the Bill.

Anno 5. Geo. II.

1731-32.

II. Because the settled State of Affairs at Home, and the great Duty and Affection his Majesty's Subjects have shewn to him on all Occasions, should, in our Opinion, be a full Answer to all Arguments that can be drawn to justify the keeping up so great a Number of Troops, from any Apprehensions of a Pretender to the Throne; for if the present Circumstances of this Nation be compared with the Situation of Affairs after the Treaty of *Ryswick* or that of *Utrecht*, these Kingdoms will be found infinitely more secure in that Particular. In the first Period of Time, the late King *James* was living, who had an *Irish* Army in his Pay in *France*; many of his old Servants and Soldiers were then alive and active in *England* and *Scotland*; a potent Prince and Nation always supporting him, and ready at any Time to arm in his Cause: As to the second Period of Time, the Pretender was in the Neighbourhood of *France*; that *French* King, who had maintained him and his Family, was still living, and the Protestant Succession had not then taken Place; yet, in both these Points of Time, half the Number of Troops allowed by the present Bill was not only thought by Parliament, but by Experience found, sufficient for our Security: How little Foundation then does there seem to be for continuing such a Number of Forces at this Juncture, when the Pretender has been long removed beyond the *Alps*, and a Prince on the Throne of *France* who seems more intent to make his own Dominions flourish by Trade, than out of a restless Ambition to disturb his Neighbours? Sufficient Reasons may be drawn from the present Situation



Anno 5. Geo. II. Situation of Affairs in that Kingdom; as well as those of *Spain*, to increase our naval Force, but none, in our Opinion, for maintaining such an Army at Land. The present Royal Family is now (God be prais'd) firmly seated on the Throne, and nothing can shake it, but an Administration which shall venture to depart from the Principles on which the Act of Settlement was founded; that Settlement was founded on Liberty, and, by the Nature of Things, must be coeval with Liberty.

III. Because it has hitherto been thought the Happiness of our Situation, as an Island, that we have not had the same Occasion for Numbers of Troops to defend us as those on the Continent: To prevent the Inroad of their Neighbours, they have been obliged to keep up standing Armies; which have generally been the Cause of the Loss of their Liberties, and always proved the sure Means of fixing their Chains upon them.

IV. Because we are fully convinced that his Majesty will reign the more firmly in the Hearts of all his Subjects, the more he places his Confidence in them; and we conceive it to be an Indignity to him, to suggest that he cannot now be secure on the Throne, without the Assistance of a greater standing Force than ever his Royal Father was contented with in Times of less Tranquility: Although it seemed to be the Tendency of some Arguments used against the Question, yet we can never be brought to believe, that this Nation is in Danger of being over-run by any Foreign Force; our Apprehensions are, that it only can be ruined and enslaved by a standing Army at Home; and we are justly jealous from the Experience of former Times, that the Crown itself, as well as the Liberties of the People, may be found at length to be at their Disposal.

Lastly, We refer to the four first Reasons enter'd on our Journals the 24th Day of February, in the Year 1717, signed by many Lords of this House.

*Boyle, Shaftesbury, Foley, Suffolk, Bristol, Maynard, Tweeddale, Aylesford, Litchfield, Exeter, Craven, Tadcaster, Northampton, Bridgewater, Thaxet, Strafford, Scarfdale, Ker, Coventry, Carteret, Bathurst, Gower, Winchelsea and Nottingham.*

The Mutiny-Bill pass'd.

March 10. The said Bill was read the third Time, and passed without any Amendment. Contents 64, Not-Contents 19.

Debate on a Bill for reviving the Salt-Duty.

March 22. A Bill from the Commons, for reviving the Duties on Salt for the Term therein mentioned, was read the first Time, and a Motion being made for a second Reading

ing thereof, it was carried in the Affirmative, by 40 <sup>Anno 5. Geo. II.</sup>  
 Voices against 25. <sup>1732.</sup>

*March 27.* The said Bill was read a second Time; and a Motion being made for committing the same, the Earl of *Winchelsea* stood up, and spoke as follows: <sup>E. of Winchelsea</sup>

*My Lords,*

'This House has often, with great Honour to itself, and much to the Advantage of the Nation, opposed and defeated Measures which had been first broached in the other House, when it appeared that such Measures tended to the Ruin and Dissolution of both. This is a Privilege we are indulged with by our happy Constitution, and we never were under a greater Necessity of exerting this Privilege than we are at present. We never had a more favourable Opportunity of shewing a disinterested Regard for the true Happiness and Welfare of the People than we now have. The Bill now before us, though brought in by the Representatives of the People, is a Bill the most iniquitous and the most oppressive upon the People of any Bill that ever was brought into either House of Parliament. I cannot, my Lords, but call it a most iniquitous and oppressive Bill, because there is thereby a most heavy Burden laid upon the Poor, and a most unequal Tax upon the Subjects of this Part of the united Kingdoms. There is indeed, by this Bill, a very great Favour shewn to the Northern Parts of this Island. This Favour is really a Sort of Corruption upon the Members from that Part of the Kingdom; and I must say, that if ever Corruption was in any Case commendable, it is in the present; their Approbation of this Bill is engaged by shewing a Partiality which they are no Way intitled to by the Articles of the Union, or by any Stipulation since.'

'I am, my Lords, very far from arguing for, or desiring that this Duty should be laid upon the People in that Part of the Island: Upon the contrary, I shall always be against it to the utmost of my Power, because I am persuaded that the People of that Part of the Island cannot bear to pay so heavy and so grievous a Duty: But for that very Reason I am against this Bill, for I think that no Tax ought to be laid on for the current Service of the Year, but such as the whole Nation may be able to contribute a Share to: It is raised for the Service of the Whole, and therefore every Part ought to bear its equal Share. If Things are fairly and impartially considered, I am persuaded it will appear, that the Southern Parts of the Island are as unable to bear so heavy a Burden as the Northern Parts are, and I hope there will be in this House an equal Regard shewn to all Parts of the Kingdom. We ought to be ready to do all the Favour we can to every Part, without shewing a Partiality to any.

Anno 5. Geo. II.  
1732.

And as *Scotland* may in some Manner be look'd on as the Wife of *England*, we ought to be most careful not to allow any Minister to debauch her, by shewing any particular Favours to that Part of the Island, or by laying Burthens upon others, which those are not to be subjected to.'

The Lord *Carteret* spoke next.

Ld *Carteret*.

*My Lords,*

' I must recommend it to your Lordships to consider how this Duty upon Salt came to be taken off. It is but two Years ago, and therefore your Lordships must all remember, that it was upon a most gracious Recommendation from the Throne. His Majesty, who always considers the Good of his Subjects in general, recommended to both Houses of Parliament the easing of the Poor of this Nation \*. The Words made Use of by his Majesty on that Occasion, are so moving and so compassionate ; I have repeated them so often to the Gentlemen in the Country, that I have long had them fix'd in my Memory : However, upon the present Occasion, I turned to them again, and for the more Certainty I have taken them down in Writing : They were as follows, ' You will see by the Accounts that will be ' laid before you, the State, Produce, and Application of ' the Sinking Fund, as far as hath been hitherto directed ' by Act of Parliament ; and you will not fail to take into ' Consideration the farther Disposition of the growing Produce : You are the best Judges whether the Circumstances ' of the Sinking Fund and of the National Debt, will as yet ' admit of giving any Ease where the Duties are most grievous. I have the greatest Regard for the Sinking Fund, ' and I look with Compassion upon the Hardships of the ' poor Artificers and Manufacturers. I leave it to your ' Determination, what may reasonably, and with due Caution, be done upon this critical Consideration.'

' These, my Lords, were the Words of his Majesty's most gracious Speech from the Throne but two Years ago. From these it appears that his Majesty looks upon the poor Artificers and Manufacturers of this Nation, as the greatest Objects of Pity and Compassion, and as the first that ought to be relieved. Then it was judged by both Houses of Parliament, that no Tax was so grievous, no Tax lay so heavy upon them as this Tax upon Salt, and therefore it was taken off. Though the Duties then raised upon Salt, stood engaged for the Payment of some of the publick Debts, yet so unanimous was the Voice of King, Parliament, and People at that Time against this Tax, that nothing could be a Bar to the taking it off : even the Creditors of the Publick voluntarily gave up their Security, in order to second his Majesty's

\* See the Speech in Chandler's History of the Commons, Anno 1730, p. 32.

esty's good Intentions, and to get the Nation set free from such a heavy Burthen. But what are we now going about? We are now going to defeat and disappoint his Majesty's most gracious Intentions for the Relief of the most distressed Part of his Subjects, before they have tasted any Thing of the Benefit that was designed them by both Houses of Parliament, in Pursuance of his Majesty's Recommendation from the Throne. For my own Part, I always looked upon the abolishing of the Salt-Tax as the pure Effect of his Majesty's Love and Affection for his People; I always consider'd it as such, and in all the Countries where I have been since that Time, have made so much Use of it as an Argument for proving how much his Majesty has the Good of his People at Heart, that if I had no other Reason to be against this Bill, I must be against it out of Respect to his Majesty, and for supporting that Argument which I have so often made use of, in Favour of our present happy Establishment.

I have many Reasons, my Lords, for being against this grievous, this pernicious, this insupportable Tax, some of which I shall beg Leave to lay before your Lordships. In the first Place, it is a most grievous and a most unequal Tax upon the poor Labourers, the Tradesmen and the Manufacturers. Those very People who, but two Years ago, were recommended to us by his Majesty as the greatest Objects of Pity, are, by this Tax, to be the most heavily loaded. The poorer a Man is, the more salt Provisions is he obliged to consume, and consequently the more he will be obliged to pay towards this Tax; such is the Cruelty thereof, that the most wretched are thereby the most heavily loaded; such the Injustice, that the more a Man has, the less is he obliged to pay towards the publick Expence: The rich generally live upon fresh Provisions, but a poor Man must live upon Salt Meat, or he must eat no Meat at all. By such Methods we shall soon banish all the Artificers and Manufacturers out of the Kingdom. We know how ready some of our Neighbours are to receive them, and to give them all possible Encouragement. We know how much they are already loaded with Taxes in this Country. They can have none of the Comforts of Life, without paying much dearer for them than in any other Country; and now we are going to take from them, or at least to make them pay severely for the very Necessaries of Life, for that without which they cannot subsist. How can we expect to preserve either our Trade or our Manufactures, if we are once deserted by that useful Body of People the Artificers and the Manufacturers? And how can we expect to keep them in our Country, if we go on thus every Year loading them with Taxes, while our Neighbours are declaring them free from

Anno 5. Geo. II  
1732.



Anno 5. Geo. II. all Imposts and Duties, and doing all that is in their Power  
 1732 to intice them away from us ?

‘ At the same Time that this Tax is an intolerable Load upon our Trade, and an insupportable Burthen upon our Poor, it will bring no Ease, it will bring no Relief to the Landed Gentlemen, but must really at last prove to be the Ruin and Destruction of the Landed Interest. It is not, my Lords, the Land-Taxes which the Landed Gentlemen have paid, that have brought them into so many Difficulties, but it is the many Excises which they have been subject to, that has ruined their Lands as well as themselves. It is a certain Maxim, that the more Taxes are laid upon the home Produce, the cheaper it must always be sold by the Producer, and the dearer it will always cost the Consumer : The Dealers between the Producer and the Consumer are the only Persons who get any Thing by the laying on of Duties and Excises. We know that there never was a Duty laid upon any Produce, either Foreign or Domestick, but what raised the Price to the Consumer more in Proportion than what the Duty amounted to ; and at the same Time the Dealer or Retailer made use of that Duty, as a good Argument for running down the Price he was to pay to the Producer or Importer. It is by this our Landed-Gentlemen, as well as their Estates, have been undone. The many Excises and Duties now raised in this Nation, eat up the yearly Income of the Gentleman's Estate, and the Farmers being obliged to sell the Produce of their Lands at a cheap Rate, and to pay dear for all those Necessaries which they do not nor can produce, they cannot therefore be able to pay so high a Rent as formerly to the Landlord. Thus the Landed Gentleman is doubly undone ; for while his Income is eat up by the Excises he pays for what is made use of in his own Family, his Rents are diminished, or his Tenants are broke, by the Excises paid by them.

‘ A Gentleman of 100 £. a Year, whose Estate as to the Land-Tax is computed at the full Value, pays 20 £. a Year out of it, when the Land-Tax is at 4 s. in the Pound ; that, it is true, reduces his Estate to 80 £. a Year ; but that is only for one Year, he may be free of the Land-Tax the next Year, and then his 100 £. comes whole and entire to him. But if by raising Excises and Duties in place of that 4 s. in the Pound Land-Tax, you make the supporting of his Family 20 £. a Year dearer to him than it was before, is not that 20 £. taken from his Estate ? Can he then live better for his 100 £. than he could have done before for his 80 £. a Year ? He is therefore no Gainer by this Ease as to the Land-Tax. But mark the Consequence ; these Duties and Excises fall heavy upon his Tenants as well as upon him

him ; the supporting of their Families comes now to be dearer Anno 5. Geo. II.  
to them than it was before, and therefore the Rents must  
1732.

have been before so low that the Landlord might have raised them, or it will now be impossible for the Tenants to continue paying the same Rents they formerly did ; so that very probably the Yearly Rents of his Estate may be reduced to 80 *l.* a Year, out of which if you deduct the 20 *l.* a Year he is obliged to pay as an additional Expence for the Support of his own Family, there will remain to him but 60 *l.* a Year ; and his Estate as to the Land-Tax being still valued at 100 *l.* a Year, if you are obliged in two or three Years after to lay on again the Land-Tax of 4 *s.* in the Pound, this Gentleman must pay 20 *l.* a Year out of the 60 *l.* his Estate was reduced to ; and thus by pretending to give him an Ease as to the Land-Tax for one Year, you at last reduce his Estate to less than one half of the real Value ; it is now but just one Half of what he had formerly to spend yearly, when he paid a Land-Tax of 4 *s.* in the Pound. This has in many Cases been the Consequence of laying Duties and Excises in place of Land-Taxes ; and the more frequently this destructive Measure is pursued, the more general will this Consequence be. Tenants must live and support their Families out of the Produce of their Farms ; they must pay the Duties and Excises of those Things that are absolutely necessary for the Support of their Families, or for the manuring of their Farms ; the Deficiency (if any be) must always fall upon the Landlord. Those Tenants that were at a low Rent, have perhaps hitherto supported it, and paid their Rents, notwithstanding the many Duties and Excises they have been obliged to pay ; but it is still a Loss to the Landlord, because if it had not been for those Duties and Excises paid by the Tenant, the Landlord might have raised his Rents much more than any Land-Tax that ever was laid on in this Kingdom would have amounted to.

‘ There is no Nation in the World that has more Occasion than we have at present to raise Money in the most frugal Way, and in that Way which is the least expensive to the People. We know, my Lords, by sad Experience, what a vast Difference there is between the gross and the net Produce of this Duty upon Salt : It never produced above 180,000 *l.* per Annum, and by the most modest Computation, there is above twice that Sum yearly raised upon the People of England only, by the Means of this Tax : Every Man knows, that the yearly Expence of raising it is at least 25,000 *l.* this for Three Years amounts to 75,000 *l.* and if to this we add the Interest that must be paid upon borrowing the Money, the whole will amount to 100,000 *l.* which is the Sum the Nation must pay by way of Charges,

for



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for the raising this 500,000 *l.* that is wanted for the current Service of the Year. This is a Fact that cannot be contested by the greatest Favourer of this extraordinary Scheme ; I do not doubt but that it will cost the Nation a great deal more ; but I make this Calculation from what must be allowed even by those who are the most sanguine Promoters thereof. Can any Man then say, that this is a frugal Way of raising Money ? How hard will it be to make the People pay such an extravagant Charge, especially now, when there is no Necessity for it ? By this Bill we are again put into that destructive Method of Funding and Anticipating of Taxes, which is a Method that never ought to be followed but in Cases of the utmost Necessity. During the last War our Necessity was our Excuse ; but now we have no Necessity to plead ; it is meer *Gayet  de C  ur* : Can that ever be allowed of as an Excuse for our entailing heavy and pernicious Taxes upon our Posterity ?

As to that Part of the Kingdom called *North Britain*, there is indeed a Partiality shewn ; but even this Partiality is no real Favour, any otherwise than only as being a less Injury : The laying on of this Tax in place of the Shilling in the Pound Land-Tax, is doing a very great Injury to the whole Kingdom ; and all the Favour that can be pretended to be shewn to the Northern Parts, is, that the Injury is not so great with respect to them, as it is with respect to the Southern Parts of *Britain*. When an Injury is offered openly and avowedly, one knows how to resent it ; if we cannot resent it, there is at least some Satisfaction in complaining ; but to hear a real Injury called a Favour, is what no Man can bear ; it is a Contempt that will rouse the most patient People upon Earth. It is well known, My Lords, that the Sum raised in *Scotland* by a Land-Tax, proportionable to a Shilling in the Pound in *England*, never amounted to above 12,000 *l.* in a Year ; this was the whole that was ever raised upon the People of *Scotland* by such a Tax, either towards the Tax itself, or towards the Charge of raising the same ; but when this Tax even of one Shilling upon the Bushel of Salt was subsisting, it appeared that the Net Produce thereof in *Scotland* amounted to 4000 *l.* per Annum, and the Charge of raising it amounted to above 4000 *l.* per Annum more ; from hence it is evident, that by the Means of this Duty of one Shilling upon the Bushel of Salt, there will be above 8,000 *l.* raised yearly upon the People of *Scotland*. And as this Duty is to be laid on for three Years, in Lieu of a Shilling in the Pound Land-Tax for only one Year, is it not as clear as Figures can make it, that the People of *Scotland* are to pay above 24,000 *l.* in place of the 12,000 *l.* which they must have paid towards

wards the Land-Tax ? This, My Lords, is the mighty Favour that is pretended to be done to the People of that Country : Whoever thinks that they will look upon this as a Favour, must know very little of the good Sense and Sagacity of the People in that Part of the Island.

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This Duty is now proposed to be laid on for three Years only, but we know how difficult it is to get free of a Tax that has been once established : And as this Duty may create a Fund for a Ministry, upon which they may borrow no less a Sum than 600,000 *l.* I can easily foresee that at the Expiration of this Term of Three Years, some Scheme or another may be set on Foot for continuing it during a much longer Term : In case of any such Scheme's being to be set up, I can see that even by the Bill now before us, there is the Foundation laid of a prevailing Argument for bringing the Members from the Northern Part of the Island into the Scheme. We know, my Lords, that there are Bounties paid upon the Exportation of Fish ; we know that those Bounties upon the Exportation of Fish from *Scotland* only, amount generally to about 7,000 *l. per Annum* : This Sum was paid out of the first and readiest of the Customs and Excise in *Scotland* ; but in case this Bill passes into a Law, all such Bounties are to be paid only out of the Produce of the Salt-Duty raised within the United Kingdoms ; therefore at the End of this Term of Three Years, we must either make a new Law for establishing a new Fund for the Payment of those Bounties, or the Bounties must entirely cease and determine with the Expiration of this Law : It will then be pretended that no such Fund can be established ; it will then be said that you must either agree to the continuing of the Duty upon Salt, or your Country must entirely lose the Benefit of having any Bounties upon the Exportation of their Fish ; by which your Fishery will be undone, and your Country must lose a much greater Sum yearly, than what they are obliged to pay by Means of the Duty upon Salt. This, My Lords, will be a Bail for the Members from *North Britain* ; with them it will for ever be an Argument for the Continuance of this Duty upon Salt.

• We have already a prodigious Number of Officers employed in the collecting of our Revenues ; the reviving of this Duty upon Salt will very much increase the Number ; we know that all these Officers depend entirely upon the Crown ; every one of them may be suspended or dismissed at the Pleasure of the Crown ; if any of them should refuse to do whatever is commanded, such an Officer may be turned out, and a new one put in his Room. We know what an Influence these Offices may have upon the Elections of Mem-  
bers

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bers of Parliament in every County, City and Borough in *England*. If any future Administration should be wicked enough to give them Instructions how they are to behave, and for whom they are to use their Interest; by such Means the Crown may have it in its Power to get such Members returned as are agreeable to the Favourites about Court. Where then will be our Liberties? Where shall an injured People seek for Redress? The People will then be in the same Condition in which they now are in *Turky*; their only Resource will be in Mobs and Tumults, and the prevailing Party will administer Justice by general Massacres and Proscriptions. I did appear against a Standing Army, but I never was so much afraid of the Consequences of a Standing Army, as I am of the Consequences of a House of Parliament's depending entirely upon the Crown. Of all arbitrary Governments, that founded upon base Corruption is the worst: In such Circumstances we might perhaps preserve the external Forms of our Constitution, but such a base Dependence would eat out the very Vitals of our Constitution, and leave us nothing remaining but a melancholy, dismal; putrified, useless Carcass; a meer Shew of a Constitution, without any Life, without any Spirit, without any Power to protect the People from Domestick Oppression, or from Foreign Invasion.

\* The People of this Nation are already subjected to so many Penalties and Forfeitures, that few Merchants or Dealers know when they are safe. But by this Bill they are to be subjected to a great many new Penalties and Forfeitures; and what is still worse, these Penalties and Forfeitures are not to be sued for in the common Way: As to them, the Subject is not to be tried in the usual Way, by God and his Country, but in a new and extraordinary Way, by Commissioners and Officers who are appointed by the Crown, and removable at the Pleasure of the Crown: The Crown is to be Plaintiff or Prosecutor, and a Man depending upon the Crown, perhaps for his daily Bread, is to be the Judge. I have always observed, and I believe it will soon appear still more plain, that when Things have been turned out of the ordinary Course of Law, when any extraordinary Method of Proceeding before Commissioners has been introduced, extraordinary Iniquities have been committed; some are discover'd, but most of them are sunk into Oblivion by the Weight of Power.

\* This Way of multiplying and continuing of Taxes, and contriving new and extraordinary Methods for levying them, has always been followed by those Ministers, who were for establishing arbitrary Power. The famous Cardinal *Richieu* knew well the Effects of such a Measure; he knew what

what Sums of Money were thereby brought in, and what Anno 5. Geo. II.  
Dependencies were thereby created. By the Means of such  
Taxes, the Estates of the Quality and Gentry of *France*

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were ruined and undone, so that at the same Time that the Taxes put it in the Power of the Crown to give, they reduced the Quality and Gentry of the Kingdom under a Necessity to receive; all sorts of Provisions were by the Taxes rendered so dear, and the Tenants of their Estates were so much impoverish'd, that it became impossible for most of them to support and provide for their Families out of the Rents of their Estates, whereby they were oblig'd to sue to the Court for some Post or Pension, and in order to obtain what they wanted, they were glad to do whatever the Court commanded. These were the Domestick Measures of Cardinal *Richelieu*, and by these the Liberties of *France* were lost. As for his Foreign Measures, I wish we had it in our Power to follow them: But in this Kingdom I hope no Minister will ever pretend to follow his Domestick Measures; I am sure, that whoever does, will never have it in his Power to follow his Measures as to Foreign Affairs; for the Liberties of *England* are established upon too firm a Basis, to be overturned by the Attempts of any one Man in his own Life-time; but if we do not take Care, one Man may give them such a Shock, as may make it an easy Work for his Successors: And no Measure is less liable to fail of Success, than that of increasing by little and little the Power of the Crown, by augmenting daily the Number of its Dependents, and adding to the Necessities of the Noblemen and Gentlemen of the Kingdom, by squeezing heavy Taxes from them for every thing made use of in their Families: For when Liberty appears in Poverty and Distress, and Slavery appears in fine Trappings and great Plenty, I am afraid there will be found but few, whose Virtue can stand the Test of such a severe Trial.

There are no Taxes more apt to raise Tumults and Insurrections among the People, than those that are laid upon the Poor. This very Tax which we are now about to revive, produced two or three Insurrections in *France*, before the People of that Country could be brought to submit to it; and yet it cannot be said, that the Tax upon Salt in that Country is much more grievous than this that we are now going to lay upon the People of this Nation. We know that a Tax of much less Consequence than this, occasion'd the present Rebellion in *Corfica*, by which the People of that Island are like to change Masters; and even the Disturbances in that little Island may chance to involve all *Europe* in new Troubles. Though the People of this Nation submitted peaceably and quietly for so many Years to this grie-



Anno 5. Geo. II. 1732. vous Tax, yet we are not from thence to presume, that they will always submit peaceably and quietly thereto. When it was first laid on, the People were fully sensible of the Necessity that there was for laying it on at that Time; but now when it is to be laid on without any Necessity, when the Poor are thus to be heavily loaded for no other Reason or Pretence, but that of relieving a Few of the Rich, can it be presumed, that they will as easily submit to the Payment of it, as they did heretofore? They have long submitted to bear heavy Burthens, and they certainly will bear as long as they can; but after a Horse has got his full Burthen, the very Key of the Stable may chance to break his Back. Why should we run such a Risk in a Time of profound Tranquility? The Patience of the People with respect to Taxes and Excises, cannot be now so great as it was in the Time of a dangerous and expensive Foreign War; it may now be easily overstretched, and therefore we ought not to try Experiments upon it, when there is not really any Occasion.

D. of Newcastle. The Duke of Newcastle spoke next :

*My Lords,*

‘ It is very true, that his Majesty, in a most gracious Speech from the Throne, recommended to us the Easing of the People of some of those Burthens which lay heaviest upon them, and in Pursuance of these his Majesty’s most gracious Intentions, this Tax upon Salt was proposed, and was agreed to be taken off, as the Tax which at that Time was thought to lie heaviest upon the People: But by that very Step, my Lords, by the Abolishing of this Tax, we have learned that it never did, nor ever can lie heavy upon the People. The Share that was contributed towards it by each particular Man, was so small, that no Man was sensible of what he paid whilst it was subsisting, nor was he sensible of any Relief by its being taken off: Therefore that his Majesty’s Intentions might be fully answered, that a real Ease might be given to those who have for many Years been most heavily oppressed, was this Bill brought in and passed in the other House. We all know that the Landed Interest hath been for many Years loaded with most insupportable Land-Taxes: we know that they have severely felt the Weight that was laid upon them, and therefore they must be immediately sensible of the Relief that is proposed to be given to them by this Bill.

‘ This Tax upon Salt is in its own Nature so equal, that every Man, every Person in the Nation is thereby obliged to contribute to the Publick Expence, according to the Benefit he receives: There are such a vast Multitude of People thereby obliged to contribute to the publick Charge, that

what no Man is sensible of what he pays, no Man feels the Weight that is laid upon him; and for that very Reason the People contributed thereunto for many Years most willingly, and most chearfully; it never did, nor can it ever occasion the least Grumbling, or the least Complaint: Whereas by the Land-Tax, there are but a very few Persons in the Nation, who are obliged to contribute to the publick Expence, and thereby it falls most grievously upon those that are obliged to pay towards it; a very large Sum may be raised upon a great Number of People, when every Man contributes his equal and his just Proportion, without any one Man's being sensible of what he is obliged to pay; but when such a Sum is to be raised upon a few of that Number, every Man that is obliged to pay, not only feels the Weight of the Burthen that is laid upon him, but really finds it altogether insupportable; and he has the more Reason to complain, because he finds himself obliged to bear singly that Burthen, which ought in Justice to be laid upon a great many. The Land-Tax being then the most heavy and the most unequal Tax of any that are levied upon the People of this Nation, and the Tax upon Salt being the most equal and the least burthenfome, I must be of Opinion, that if we have any Respect for his Majesty's most gracious Recommendation from the Throne, if we have any Regard for that Justice and Equality which ought to be observed in imposing of Taxes, we must agree to the Bill now before us.

Then the Lord Bathurst spoke as follows:

Ld Bathurst.

*My Lords,*

I must take Notice, that it is a little irregular to make so much Mention of his Majesty's Speech from the Throne; but since the Noble Lords who have spoke, have been pleased to mention it, I shall likewise take the same Liberty, and make this one Remark upon it, That his Majesty in that Speech recommends the easing of the poor Artificers and Manufacturers: These are the only People mentioned therein, and therefore I must be of Opinion, that his Majesty then thought that they were the most heavily loaded, and the first that ought to be relieved: This is not only my Opinion, but it seems it was then the Opinion of both Houses of Parliament, and of every Member of each House; for though several Taxes were proposed to be taken off, yet there was not one Man in either House that proposed, or mentioned the taking off of any Tax, but such a one as he thought was burthenfome upon that Set of People; and at last the taking off of this Tax upon Salt was agreed to, as being the Tax that lay most heavy upon the Poor of this Kingdom. But what are we now about? What are we by this Bill to do? We are to lay a Load upon those very People,



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whose Case was so compassionately recommended to us by his Majesty : We are to lay again the very same Load upon them, which was then deemed, by both Houses of Parliament, to be the most heavy and the most grievous Load that lay upon the poor Artificers and Manufacturers of this Nation ; and in order to what ? in order to relieve only the rich Landed Gentlemen of the Nation : Even as to them, I think it has been clearly demonstrated, that at last it will prove to be no Relief, but a very great Disadvantage ; and it is evident at first View, that the Landed Gentlemen of small, or even of moderate Fortunes, cannot by this Bill meet with any Relief ; because they will be obliged to pay more towards the Duty upon Salt, than they save by being free from a Shilling in the Pound Land-Tax.

• I shall easily agree with the Noble Lord who spoke last, that when a Sum of Money is to be paid but by a few, the Payments fall much more heavily upon each particular Man, than they would do, if the same Sum, or even a larger Sum, were to be paid by a great many ; but when the Sum is increased in Proportion to the Number and Circumstances of the Persons that are to contribute thereto, the Payments will fall as heavily upon each particular Man, as they formerly did. This, my Lords, I shall beg Leave to illustrate by an Example or two ; and the Case being the same with respect to large Sums, as with respect to small, I shall therefore make Use of small Sums only, in order that the Calculations may be easily made. Suppose then that Six Pounds were to be paid by Six Persons of equal Circumstances, this would amount to but Twenty Shillings a-piece, and not be so grievous upon them, as if three only of the six Persons were to pay the same Sum, because to the three the Payments would amount to Forty Shillings a-piece ; but if, in place of laying this Six Pounds upon the three Persons, we were to lay Twelve Pounds upon the whole Six Persons, would not the Payment be then as grievous upon every one of the Six Persons, as they were before upon every one of the three ? Because in this Case, every Man of the Six would be obliged to pay Forty Shillings, which is just as much as every one of three only was formerly obliged to pay : I hope in this Case it will not be said, that any one Man in the six meets with any Relief, unless it be that of seeing his Neighbour as wretched as himself. Suppose again, that Six Pounds is to be paid by Six Men, worth about Twelve Pounds a-piece, we know that this would amount to Twenty Shillings a-piece, which is a twelfth Part of their whole Estate : These Payments may perhaps seem to be grievous upon these Six Men, and therefore, in order to ease them, we find out ten other Men who are worth Six Pounds a-piece, and

and 240 Men who are worth a Shilling a-piece, and we're-Anno 5. Geo. II.  
 solve to make this great Number of 256 Men pay among 1732.  
 them Twelve Pounds, each Man according to his Estate ;  
 in this Case there are 240 Men that must pay but a Penny  
 a-piece, this amounts to but Twenty Shillings of the Twelve  
 Pounds ; there are other ten Men who must pay but Ten  
 Shillings a-piece, this amounts to but Five Pounds of the  
 Twelve Pounds, and therefore the six Men worth Twelve  
 Pounds a-piece, must still pay Twenty Shillings a-Man :  
 So that the Payments fall as grievously upon them as they  
 did before, and are equally grievous upon every one of the  
 other 150 ; for it is as grievous for a Man that is worth but  
 a Shilling, to pay a Penny, or for a Man that is worth but  
 Six Pounds, to pay Ten Shillings, as it is upon a Man worth  
 Twelve Pounds to pay Twenty Shillings : In this Case I  
 am sure, that no Man will pretend that any Relief is grant-  
 ed to any one of the Six Men, and, I'm afraid, this last  
 Case will be found to be too just a Parallel to the Case  
 of laying on a Salt-Duty, instead of a Shilling in the Pound  
 Land-Tax, which is the Case now before us. The Case I  
 have put has in this the Advantage, that therein an exact  
 Proportion is observed ; but in the Case before us, our rich  
 Landed Gentlemen will meet with some present Ease, for  
 which the Gentlemen of small Fortunes, and the poor Ar-  
 tificers and Manufacturers must pay double what they ought  
 so pay, if an exact Proportion were to be observed.

This Tax upon Salt is, my Lords, so far from being a  
 just and equal Tax, that it is the most unjust, and the most  
 oppressive Tax that ever was set on Foot in this Nation.  
 To the publick Expence every Man ought to pay according  
 to the Benefit he receives. In all Cases it is hard, it is cruel  
 to tax the poor Journeymen and Day-Labourers, because it  
 is not to be presumed that they can get any Thing more  
 than bare Subsistence by their daily Labour ; the Profits that  
 may be made, go all to the Benefit of the Master who em-  
 ploys them. He it is that has the whole Benefit of their  
 Labour, and therefore he ought to pay the Taxes. Any  
 Scheme for taxing of them, is not only cruel, but it is im-  
 practicable, because if, by such Taxes, we enhance the  
 Price of the very Necessaries of Life, they cannot possibly  
 subsist upon the same Wages they subsisted on formerly ;  
 they must starve, or otherwise their Wages must be raised,  
 and thus, at last, the Master that employs them must pay the  
 Taxes that are laid upon the Poor he employs. This, my  
 Lords, is a certain Consequence, and this is a Consequence  
 that, I'm afraid, has been severely felt by the Merchants  
 and Master-Tradesmen of this Nation. But this Tax upon  
 Salt has something in it more cruel, and more unjust than  
 any

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had as much Wisdom, and as great a Regard for the Liberties of their Country, as any Ministry ever had ; they were sensible of the great Frauds that were committed under the former Method of raising it ; and therefore they put it under the Management of Commissioners and Officers particularly appointed for that Purpose ; and the Event answered their Expectations, for it then produced twice as much as it had ever done before. Yet that very Ministry, notwithstanding all the Successes of their Administration, notwithstanding their having carried the Glory of *England* as high as ever it was carried, and notwithstanding their having all the Officers of the Revenue, and of this very Duty among the rest, as much at their Beck as ever any Ministry can be supposed to have ; yet that Ministry, I say, were not able to preserve themselves in the Administration any longer, than the Nation had a Mind they should be continued ; nay, they could scarcely protect themselves against the Malice of their inveterate Enemies : It plainly appeared, that their only Safeguard consisted in the Wisdom of their Administration, and the unblemished Innocence of their Behaviour. From hence, My Lords, it must appear, that there is not the least Danger to be apprehended from the Bill now before us. Those Jealousies and Fears that are pretended, are really nothing but meer Phantoms, and like the Phantoms in *Homer* and *Virgil*, they seem to be thrown in, to divert us from doing what we ought.

As most of the other Objections against this Duty upon Salt, are founded upon Suppositions that cannot be granted, the Answer to them will be very easy. It is supposed, that this Duty is grievous upon the Poor, and therefore it is said, that it will be a Loss to the Landed Interest, and may occasion Tumults and Insurrections. Now this Supposition cannot be granted ; we know the Contrary from Experience. This Duty continued, and was cheerfully paid for above four and thirty Years ; the People were so little sensible of it, that they hardly knew of any such Duty ; and when it was taken off, there was not a Man in the Nation that from thence felt any Relief. Upon its being taken off, there were no Rents raised, nor were the Wages of any Servant or Workman lowered. Even by those who were at the Pains to make Calculations of what Salt they might consume in a Year, it was found, that they had only about a Groat or Six-pence to spend in a Year, more than they had before ; and this could not be discovered, but by those who could and did make such nice Calculations, and how few there are of such we may easily imagine.

There is another Supposition made, that this Duty will produce above twice as much as it really does ; that above the

double the Sum which comes in to the Use of the Publick, will be raised upon the People. This Supposition is founded upon the great Difference that there always was, between the Gross and Nett Produce of this Duty: But, My Lords, it is well known, that many considerable Articles were always charged to the Gross Produce, which never were really produced, nor ever paid by any Man in the Nation. There were great Quantities of Salt entered, which was afterwards exported; there were great Quantities of Salt likewise entered, which was afterwards employed in the Curing of Fish for Exportation: Though the Duties upon all such Quantities of Salt were charged upon the entering thereof, to the Gross Produce of the Salt Duty, yet no such Duties were ever really produced; they never were paid by any Man breathing. Those who entered such Salt, gave Bond, or were charged on the Books as Debtors for the Duties on such Salt; and as soon as they made it appear, that the Salt was exported, or that it had been employed in the Curing of Fish for Exportation, their Bonds were delivered up, or they were entered upon the Books as Creditors for as large a Sum, as they had been entered Debtors for on Account of that Salt. By deducting all such Articles as these from the Gross Produce, we shall find that there never was a much larger Sum really raised upon the People, than that which came Nett in to the Publick Revenue; and therefore this Supposition, and all the Calculations founded thereon, must be wrong.

As to what is said, My Lords, in relation to the Subjects of *North Britain*, there never was either a Favour or an Injury designed to be done to them by this Bill; there never was any Partiality intended to be shewn to them: They are, by the Articles of the Union, to pay no more towards the Salt-Duty, than what is to be charged upon them by the Bill now before us. And this Tax is by Experience known to be so easy a Tax upon the People of that Country, that I am persuaded, every Man in the Country will chuse to be subject to this, rather than to any other Tax whatsoever. I do not doubt indeed, but the People of that Country, as well as the People of other Countries, would chuse to pay no Tax, rather than to pay the smallest Tax that ever was laid on; and therefore those in that Country, who have no Land Estates, would, without doubt, chuse to have a Land-Tax, rather than a Salt-Tax; it is the same in this Country; it will eternally be the same in all Countries. But this I am sure can have no Weight with any of your Lordships.

This leads me naturally to consider the Hardships of the Land-Tax, and the Distresses of the Landed Gentlemen:



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and here indeed, I have good Reason to make use of all those hard Names against the Land-Tax Bill, which have been so plentifully bestowed upon the Bill now before us. We all know what a small Proportion the Landed Gentlemen of this Nation bear to the rest of the People; we all know what a Number of rich Merchants, Tradesmen, Stockholders, Money-lenders, and other sorts of People there are in this Nation, who have no Land-Estate, or but a very small Land-Estate, in Proportion to their other Estates: None of those pay a Farthing, or but a meer Trifle towards the Land-Tax. I am sure, I do not make a Computation too favourable for the Landed Interest, when I say, that all those that are possessed of any Land-Estate taken together, do not make above a hundredth Part of the People of this Nation; and yet I may modestly say, there has been raised upon them only for these forty Years past, at least one third Part of the Publick Expence yearly, taking one Year with another. The Land-Taxes that have been raised within these forty Years, will, I am convinc'd, amount to one third Part of the whole Money that has been raised within that Time for the Publick Use. Besides which, the Land-holders have contributed their full Share to every other Tax that has been laid upon the People. How iniquitous, how unjust is this, to make a hundredth Part of our People pay by means of one Tax which falls upon them only, a third Part of the Publick Expence, besides their Share of all other Taxes? But this is not all; even among the Landed Gentlemen themselves, how unequal is the Land-Tax divided? There are some whose Estates are rated to the Land-Tax at the full Value; they pay a Shilling in the Pound for every Shilling Land-Tax that is laid on; there are others, whose Estates are rated to the Land-Tax at about a Half only of the real Value; they pay but Sixpence, when their Neighbours pay a Shilling; and there are a great many, who pay but a Groat, because their Lands are rated to the Land-Tax at but one Third of the real Value. How can this be reconciled to that Justice and Equality, which ought to be observed as to the imposing of Taxes upon the People?

Supposing, My Lords, that we could make every Man contribute to the Publick annual Charge, according to the Rents or the Profits he has yearly coming in from his Estate, or from his Trade and Business; this, indeed, would be the most equitable Way of laying on Taxes, if it could be done; but even in this View we shall find, that the Landed Interest has for these forty Years, by Means of the Land-Tax only, paid near twice their proportional Share. The Lands of England were never reckoned to bring in above  
Ten

Ten Millions a Year, according to the Rates of the Land-Tax ; but because they may be undervalued, we shall reckon that they bring in 20 Millions a Year : We must however from thence deduct what is paid yearly by the Landed Gentlemen for the Interest of the Mortgages upon their Estates, for Repairs and the like, and what they lose by the Bankruptcy of their Tenants ; it has always been computed, that the Mortgages upon the Land-Estates in *England* amount to 20,000,000 *l.* the Interest of this Sum at 5 per Cent. is one Million yearly ; and allowing that all the other Deductions amount to another Million, we cannot reckon the Income or Rents of all the Land-holders in *England* to amount to above 18 Millions a Year. The whole People of this Nation at the lowest Computation are reckoned to amount to 8 Millions ; of these there is a hundredth Part, that is 80,000, that are Land-holders, but admitting their Number to be 100,000, there must then be 7,900,000 Persons in this Nation, that have no Land-Estate ; and supposing them to spend in a Year in Viſtials, Drink, Cloaths, Diversions and all incident Charges, but 12 *l.* a Year, one with another, which I am sure is the lowest Computation that can be made ; their yearly Expence, and consequently their yearly Income, will amount to very near 95 Millions, which is above five Times the Income of the Landed Interest ; and yet we have been so unjust as to make the Landed Interest pay for above these forty Years, a Tax which it laid upon them only, and which has amounted to at least a Third of the whole Publick Expence, besides their equal Share of all other Taxes.

This unequal Load which has so long been laid upon the Landed Interest of this Kingdom, is the more grievous, because many of our Landed Estates are heavily loaded with Mortgages ; for there are many Landed Gentlemen in this Nation, who have the Appearance of a great Estate, and yet have but a poor Residue coming in for the Support of their Families, after the Interest upon their Mortgages, and the Taxes are all paid : Let us consider, My Lords, that by laying an Additional Shilling upon the Land, we perhaps take from many Gentlemen in *Britain* the only Support they have left for their poor Families. The Gentlemen of Land-Estates are generally of old Families; their Families have perhaps for many Years been considerable in the Country where they live, they must maintain the Character and the Dignity of their Families, they must provide large Fortunes for their Children, or they must charge their Estates with new Mortgages for that Purpose. By continuing thus to overcharge them, we shall make them all become dependent upon the Crown ; this will add a Power to the Crown



Anno 5. Geo. II.

1732.

The Salt-Bill  
committed.Ld Shaftsbury  
presents a Peti-  
tion of the Mer-  
chants, &c. of  
Liverpool against  
it ;Whereupon Ld  
De la War pre-  
sents a Petition  
of the Mayor,  
&c. of Liverpool  
in Favour of it.Motion to ex-  
empt Salt us'd  
in Manure,Protest on rejec-  
ting the Motion.

that we ought to be much more afraid of, than of adding a few necessary Officers for collecting the Publick Revenue. Upon considering these Things, My Lords, we may easily judge which is the most iniquitous, which is the most dangerous, a high Land-Tax, or this Duty upon Salt. Whoever considers these Things, must soon resolve to agree to the Bill now before us.

Then the Question being put for committing the Bill, it was carried in the Affirmative, by 40 against 25.

*March 29.* The Order of the Day being read for the House to resolve itself into a Committee on the said Salt Bill, the Earl of *Shaftsbury* presented a Petition from several Merchants, Masters and Owners of Ships, &c. in the Town of *Liverpool*, setting forth, 'That the Reviving of the Salt Tax would be a very great Prejudice to them in their Trade and Fishery, and particularly that the Importation of Herrings from *Scotland* would be the Ruin of that Trade among them, by which a great many poor Families who then lived by that Trade, would be brought upon the Parish.

Immediately after the reading of this Petition, the Lord *De la War* presented a Petition in the Name of the Mayor, Aldermen, and most considerable Merchants of the same Town of *Liverpool*, representing, That they had been inform'd, that upon the 29th of that Month, being *Sunday*, several Persons had privately and clandestinely signed a Petition to be presented to their Lordships, against reviving the Salt-Duty ; but that they were of Opinion, that neither the Reviving of that Duty, nor any Clause in the Bill that had been brought in for that Purpose, could be prejudicial to them, or to any Person in that Town, or, as they believed, in any other Part in *England*, and that therefore they would most readily and willingly acquiesce in whatever their Lordships should please to do in that Affair.' Hereupon the first Petition was rejected.

Then the Earl of *Shaftsbury* mov'd, That it be an Instruction to the said Committee, that they do receive a Clause to exempt all Salt, used for Manuring of Land, from the Duties laid by the said Bill. After Debate, the Question was put thereupon, and resolv'd in the Negative : Not-Content 74, Content 21.

### *Dissentient*

Because it has been found by Experience, during the Time the Duties upon Salt were taken off, that great Improvements have been made in several Parts of the Kingdom, by using Salt in Manuring of Land ; but by the Revival of those Duties, without the Provision designed by this Instruc-  
tion,

tion, there must be a total Stop put to all Improvements of that Nature ; and we are convinced that in a few Years the Lands of *England* might have been raised, by the Use of this Manure, more than double what this Tax will produce to the Government ; and we apprehend this to be a very improper Time to check the Industry of the People, and prevent their domestick Improvements, since, we fear, the National Wealth is not likely to be increased at this Time by any foreign Commerce.

Anno 5. Geo. II.  
1732.

*Scarsdale, Strafford, Boyle, Winchelsea and Nottingham, Thanet, Ker, Bathurst, Shaftesbury, Northampton, Litchfield, Suffolk, Coventry, Carteret, Abingdon, Bridgewater, Warrington, Tawcedale, Gower, Mafham, Bristol.*

After this Lord *Gower* moved, that it be an Instruction to the said Committee, that they do receive a Clause to exempt, from the Duties laid by the Bill, all home-made Salt used in victualling of Ships. After Debate, the Question was put thereon, and it was resolved in the Negative, by 75 against 21.

Motion to exempt home-made Salt us'd for victualing Ships.

*Discontent*,

I. Because the Duties to be laid by this Bill on all home-made Salt used for victualling of Ships, increases the Expence of the Royal Navy, and is a heavy Burthen upon the Trade and Navigation of the Kingdom, and will very sensibly affect the Merchants, already under great Difficulties by Reason of the Decay of Trade, and the many grievous Losses they have sustained, and the Hardships they have undergone by Depredations, Seizures and Confiscations, too severely felt by most of the Traders of *Great Britain*, and too publickly known to be doubted of.

Protest on rejecting it.

II. Because this Duty upon our home-made Salt, must occasion many of our Merchants to victual their Ships Abroad, to the Diminution of the National Wealth, and to the great Detriment of the Landed Interest of this Kingdom.

*Strafford, Winchelsea and Nottingham, Tawcedale, Suffolk, Bristol, Ker, Abingdon, Scarsdale, Shaftesbury, Boyle, Coventry, Bathurst, Carteret, Thanet, Litchfield, Bridgewater, Gower, Mafham, Warrington, Northampton.*

Then the Lord *Bathurst* mov'd, That it be an Instruction to the same Committee. that they do receive a Clause to restrain any Person, during the Time he shall be concerned

Motion for restraining any Officer of the Salt-Duty from being concern'd in Excessions.

Anno 5. Geo. II. or employed in the charging, collecting, levying or managing any of the Duties to be granted by the Bill, from being a returning Officer, or voting, or influencing any Elector to vote in Elections of Members to serve in Parliament.

1732.

After Debate, the Question was put thereon ; and it was resolved in the Negative, by 71 against 21.

*Dissentient,*

Protest on refusing a Clause for that Purpose.

I. Because the Officers employed in the Customs, in the Excise, in other Branches of the Revenues, and in other Parts of the publick Service, are already vastly numerous ; they compose, in Effect, a second standing Army, and are perhaps, in some Respects, more dangerous than that Body of Men properly so called ; the Influence which they have in the Elections of Members to serve in Parliament, has been too often felt to have been denied ; and we presume, that Examples are not hard to find, where the Military Forces have been withdrawn to create the Appearance of a free Election, and the standing Civil Forces of this Kind have been sent to take this Freedom away. Should we suffer this Invasion on the Freedom of Election to continue, much more to increase, it will be easy, in our Opinion, to demonstrate, that one vital Principal of our present Constitution and the Freedom of the *British* Government must be lost ; since the House of Commons might indeed afterwards be a Representative of an Administration, or of one single Minister, but could no longer be a true Representative of the People. We think ourselves obliged therefore to oppose the Growth of so great an Evil upon every Occasion ; and we apprehend that every such Increase of the Officers of the Revenue, as this Bill imports, is strictly, such an Occasion : and therefore we think the Instruction should have been agreed to, that we might not add to that Evil, which, we conceive, is already too great.

II. Because, from the very Institution of Parliaments, (at least from the Time when they began to be composed and held, in the Manner and for all the Purposes they now are,) the principal Aim of the Enemies of publick Liberty has been to enable the Crown to govern without them, or to corrupt their Members, or to destroy the Freedom of their Elections : From the same Time we may date the constant Care, which has been taken by the Friends of the publick Liberty, to ward off those several Dangers ; and the Laws which appear in our Statute-Books, for regulating Elections of Members to serve in Parliament, as well as the Qualifications of the Electors and the Elected, are standing Monuments, which shew how early those Dangers began, and that

that the Opposition to them began as early. The Form of Anno 5. Geo. II. 1732  
 our Government, as it has been settled since the Revolution, leaves no longer Room to apprehend the first of the Attempts mentioned; the Wisdom of this House has seemed, by rejecting the Pension-Bill three Times successively, to think the Laws already in Force sufficient to prevent the second; but the third must, in our Opinion, be look'd upon to be a growing Danger, and to require extreme Watchfulness against the Consequence of it, as long as the many heavy Taxes, and the present Management of the publick Revenues, keep up in all Parts of the Nation such an exorbitant Number of Receivers, Supervisors, Collectors, and other Tax-Gatherers, who are maintained by the People, but are solely directed by the Treasury. The State of Property and the Nature of Tenures anciently, the real as well as the pretended Prerogatives in Times more modern, gave to the Crown, among other Influences, a very great one in the Elections of Members of Parliament. Thanks be to God, and to the Virtue of our Forefathers, this State of Property is alter'd, and these Tenures are abolish'd; and these Prerogatives are either taken away or limited, defined and fixed by Law; there will remain therefore no Means of destroying the Freedom of Elections, except those of Corruption, which, we hope, may be render'd ineffectual, by the Law to which the House consented two Sessions ago, to the entire Satisfaction of the whole Nation; unless the Dangers we are apprehensive of should arise by establishing such Augmentations of the Number of Officers employed in the Revenue, without Restrictions to prevent them from being returning Officers, or voting, or influencing any Elector to vote in future Elections.

III. Because we apprehend that if any such Augmentations, without the aforesaid Cautions, are suffered to be made, greater Danger will arise from this new Influence, to the Freedom of Elections, and by Consequence to the Constitution of our Government, than ever did arise when the Prerogative was carried to the utmost Height, and the Influence of the Crown was the most severely felt and complained of; we apprehend that this exorbitant Number of Officers may, one Time or other, effect the Destruction of those Liberties, for the Preservation of which the Taxes were given which those Officers are employed to collect. We apprehend, that by consenting to the Increase of these Officers, without Restriction, we shall contribute to such an Influence, as may prove more fatal to Liberty than any of those which were formerly acquired, because it will be the Effect of a parliamentary Establishment; and will make its Way the

more

Anno 5. Geo. II. more surely, by making it indirectly, secretly and silently.

1732.

*Strafford, Warrington, Litchfield, Coventry, Tweeddale, Gower, Thanet, Scarsdale, Bristol, Boyle, Mafham, Winchelsea and Nottingham, Carteret, Shaftesbury, Bathurst, Suffolk, Bridgwater, Ker, Northampton.*

Then it was moved to adjourn, which was carried in the Negative, by 71 against 21.

After this the Bill was read through, by which Time it being Six o'Clock, the House adjourn'd to next Day.

*March 30.* The House resolved itself again into a Committee upon the said Bill, when the Lord *Carteret* moved, That the last Clause of the Act of the 5th and 6th of *William and Mary*, intituled, *An Act for granting to their Majesties certain Rates and Duties upon Salt, and upon Beer, Ale and other Liquors, for securing certain Recompences, &c.* might be read; and the same being accordingly read, he moved, That the Opinion of the Judges might be asked, whether or no that Clause was revived by the Bill then before them: But it being insisted upon by several Lords, that it was not proper to put the Question in those Terms, because that Clause never having been repealed, it was not therefore necessary to revive it by any express Clause for that Purpose in the Bill then before them; after some Debate about the Form and Method of stating the Question, it was agreed to be put to the Effect as follows, *viz.* Whether any Member of the House of Commons could, directly or indirectly, be concerned in the farming, collecting, or managing the Duties to be revived by the Bill then before them? To which the Answer was, That they could not. Then the Question being put for reading it a third Time, it was carried in the Affirmative, by 79 against 16.

The Opinion of the Judges concerning a Member of the H. of Commons being concern'd in managing the Salt-Duty.

Debate on the Third Reading of the Salt-Bill.

Ld Carteret.

Next Day the Bill being accordingly read a third Time, Lord *Carteret* said, ' That that being the last Opportunity he should probably have of offering any Thing against that Bill, he could not let that Opportunity slip without declaring his Opinion against a Bill, which was, as he thought, the worst Bill that had ever been brought before that House: It was, he said, in his Opinion, a most insidious Bill; there was a Snake in the Grass, which, if they did not crush, would, if he might be allowed to use Scripture Terms, bruise the Heel of the Constitution, and consequently of their Lordships: That he would not repeat what he had before said, but he thought he had proved, that it was contrary to the Interest of *England*, contrary to the Interest of *Scotland*, destructive to the Land Interest, destructive to the Trading



Trading Interest ; and what was worst of all, that it would ruin the Constitution. Anno 5. Geo. I.

1732.

To this the Duke of Newcastle answered, ' That there was no Argument brought for proving any Thing against the Bill, but what had been fully answered and refuted : That if there was any Snake in the Grass, it was in the Opposition that had been made to that Bill, for that there had been no Reason publickly given, that could give any Colour or Pretence for making so strong an Opposition to that Bill, which in its own Nature was one of the most just, one of the most compassionate, and one of the most necessary Bills, that had ever been brought before that House : That the very Design of that Bill was to preserve the Land-Interest, without the preserving of which, neither our Trade nor our Constitution could long subsist.' D. of Newcastle.

Then the Question being put for passing the Bill, it was carried in the Affirmative. The Salt-Bill pass'd.

### *Difficulties*

Abingdon.

I. Because this Tax hath been found, by long Experience, to be most grievous to the Subject ; for which Reason the Parliament lately, upon the Recommendation of his Majesty from the Throne, chose to repeal this, as the most oppressive Part of the Sinking-Fund, for the Ease and Relief of the Subject : It may therefore seem very extraordinary, that in so short a Time, before the People have received much Benefit from it, in a Time of Peace, and without any Necessity (that appears to us) and when the Supply might be raised with less Charge and Inconvenience within the Year, we should have recourse to a Tax too odious and oppressive to be continued, even for the Payment of the National Debt. Prorest against it

II. Because we have Reason to believe the Parliament would not have cut off such a Branch of the Sinking Fund, (which has been esteemed so sacred and necessary) if it could have been thought that it could ever have been applied to any other Use ; and it may give Cause to apprehend, that the rest of the Sinking-Fund may, by the same Means and to the same Purposes, be occasionally diminished, till it is reduced too low to satisfy the publick Creditors, and discharge the immense Debts of the Nation : Which Opinion (if it should once prevail) would effectually destroy the Publick Credit, and involve the King and Kingdom in inextricable Difficulties.

III. Because this Tax, instead of being applied to the Payment of our Debts, occasions the Increase of them ; and instead of raising the Supply within the Year, which is always most eligible, even in Time of War, if it can be done,



Anno 5. Geo. II.

1732.

and which Method (if it had been taken at first and pursued) had left the Nation free and unincumber'd to us and our Posterity, we now mortgage the Revenue, in Time of Peace, for a Term of Years, tho' but a short one, and yet what the People may notwithstanding apprehend will be continued, and be made a Precedent in all Supplies for the future ; which Method of anticipating the Revenue must necessarily weaken the Government, by depriving it of the Means necessary for its Support in case of any sudden Emergency of War, or other publick Calamity, and in consequence throw all the Weight of the Publick Expence upon the Landed Interest, which will pay dear for the Relief of one Shilling in the Pound only in this Year's Land-Tax.

IV. Because it is liable to Frauds and great Deductions, which make the real Produce into the *Exchequer* little, tho' it raises much upon the People ; and is a great Discouragement to the Fishery, and a Burthen upon the Trade and Navigation of the Kingdom.

V. Because it is not only a great Burthen to the Landed Estates, and particularly to the Grassing Farms, but even a Prohibition to all Improvements of Land, in those Parts where it is used for Manure.

VI. Because as this Excise is proposed without any apparent Necessity, or Convenience to the Publick, or even any real Advantage, (as is suggested) to the Landed Interest, it must necessarily create a Jealousy in the People, that it is a Step and Introduction to a more general one ; than which nothing can be more odious and dreaded, but a standing Army, that must necessarily attend the Execution of it.

VII. Because *Scotland* being charged only with one Shilling per Bushel on Salt, which is not a third Part of the Duty, it introduces an Inequality in Trade, contrary to that which seems established by the Articles of the Union, and tends to the keeping up invidious Distinctions between the two Parts of the united Kingdom. It may justly be doubted, if the Exemption from this Duty at the Time of the Union is a sufficient Reason for the like now, since the Duty was appropriated to the Debts of *England* contracted before, and is now revived for the current Service of this Year ; yet under the Appearance of Favour, the People of *Scotland* will, at least, pay in three Years the full Sum of 24,672 *l.* for the saving of the one Shilling in the Pound Land-Tax, in the current Year, amounting to no less than 12,000 *l.* So that *Scotland*, instead of being eased by this Bill, is doubly loaded and restrained in her Trade upon Account of this Distinction ; and all the Bounties upon Exportation, payable now there by Law, are render'd precarious ; and

and consequently this Tax should not, in our Opinions, have been imposed. Anno 5.<sup>o</sup> Geo. II.  
1732.

VIII. Because the Subjects are laid under grievous Penalties by this Bill, the incurring of which cannot, in many Cases, be prevented, notwithstanding the strictest Care; whereby the most innocent may be subjected to the Discretion and Mercy of the Commissioners and Officers of the Revenue, wherein the greatest Partiality may be exercised.

IX. Because all Taxes which require a Multitude of Officers to be employed in collecting them, and which give thereby both Occasion and Pretence to quarter Numbers of useless Subjects on the Labour and Industry of others, become so chargeable and oppressive, that they are hardly borne in the most arbitrary Governments; and that they seem repugnant to the very Nature of a Government constituted like ours. The sole Expence of levying this Tax, added to the Interest which must be paid for Loans made on the Credit of it, will appear, on a fair Calculation, sufficient to discharge, in a competent Number of Years, the Principal and Interest of the whole Sum for which the Supply is given. In point of good Husbandry therefore, we think, that a Tax of this Nature should be rejected in any Country where Reason is not subdued by Force, and where private Will has not been yet received for Law; but in a limited Monarchy, like this of *Great-Britain*, where the Powers of the Constitution are divided and ballanced, and yet the whole executive Power is intrusted to the Prince, we apprehend, that these frequent and great Augmentations of the Number of Officers appointed, directed and paid by the Authority of the Crown, tho' employ'd in collecting and managing Revenues, which are no Part of the Revenue of the Crown, ought to be esteemed dangerous to publick Liberty, and for that superior Reason to be eternally avoided.

*Bridge-water, Shaftesbury, Carteret, Barbours, Winchester and Nottingham, Coventry, Tweeddale, Strassford, Northampton, Gower, Ker, Scarfsdale, Warrington, Littlefield, Tadcaster, Bristol.*

On the 1<sup>st</sup> of June the King came to the House, and proposed the Parliament to the 27<sup>th</sup> of July. The Parliament prorogued.

Anno 6. Geo. II.

1732-33.

*The SIXTH SESSION of the FIRST PARLIAMENT of King GEORGE II.*

**T**HE Parliament, after several Prorogations, met at *Westminster* on the 16th of *January*: And his Majesty having open'd the Session, with a Speech to both Houses. The King being withdrawn, the Marquis of *Lothian* mov'd for an Address of Thanks, and being seconded by Lord *Lovelace*, the same was unanimously agreed to as follows.

*Most gracious Sovereign,*

An Address of Thanks for the King's Speech at opening the Sixth Session.

**W**E your Majesty's most Dutiful and Loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, do in all Humility return the Thanks of this House for your Majesty's most gracious Speech from the Throne.

' It is owing to the happy Success of your Majesty's Counsels and Negotiations, that your Majesty now assembles your Parliament for no other Reasons, but the ordinary Dispatch of the Publick Business; and your Majesty being graciously pleas'd to express such great Satisfaction in giving us an Opportunity of humbly offering our Advice to the Throne upon such Affairs, as shall require the Care and Consideration of Parliament, we think it incumbent on us, in Return, to consider that Part of our Duty to be the highest Honour and Privilege of this House, which, as we have always enjoyed, so we beg Leave to assure your Majesty, we will never abuse.

' We will use our utmost Endeavours to proceed in such Manner in the speedy Execution of the great Trust reposed in us, that the People may be fully sensible, that no unreasonable Heats or Animosities shall delay or interrupt our Deliberations, and that the true Interest of our Country, the present and future Ease of our Fellow-Subjects, and the Publick Good of *Great Britain*, shall outweigh all other Considerations, though covered by any specious Pretences whatsoever. Upon these Foundations, we may be confident, that our Resolutions will be agreeable to your Majesty, by being beneficial to the whole Nation.'

This Address was next Day presented to the King, who return'd the following Answer

*My*

*My Lords,*

" I Thank you for this dutiful and loyal Address. As the  
 " Ease of my People and the Publick Good have always  
 " been my chief Care and Concern, the Zeal that you shew  
 " for the promoting of them cannot but be very acceptable  
 " to me."

Anno 6. Geo. II.  
 1732-33.  
 His Majesty's  
 Answer.

*Feb. 23* The Pension-Bill was read the first Time ; and a Motion being made for a second Reading thereof the *Tuesday* following, it was resolv'd in the Negative.

|          |    |   |             |    |   |    |
|----------|----|---|-------------|----|---|----|
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*Dissentient*

For the Reasons enter'd in the Journals of this House the 21<sup>st</sup> of *March* 1729, and the 2<sup>d</sup> of *March* 1730. Protest on refusing to read the Pension-Bill a Second Time.

*Scarsdale, Northampton, Foley, Bathurst, Oxford and Mortimer, Coventry, Bridgewater, Goswer, Montjoy, Aylesford, Bruce, Berkshire, Strafford, Litchfield.*

*March 6.* The Order of the Day being read for the Debate on the House to resolve itself into a Committee of the whole House, Number of to consider of the Mutiny-Bill, the Earl of *Oxford* moved, Land-Forces. That it be an Instruction to the said Committee, that they E. of *Oxford*, do reduce the Number of Forces to 12,000 effective Men, including Invalids, &c.

His Lordship was seconded by the Earl of *Winchelsea*, E. of *Winchelsea*, who shewed the dangerous Consequences of keeping up so great a Number of Regular Forces within the Kingdom in Time of Peace ; and among many others, which he enumerated, this he said was one, ' That it made Ministers of State more daring than otherwise they durst venture to be, both in contriving and executing Schemes and Projects that were grievous and burthensome to the People ; Schemes that never could enter into the Heads of any but those who were drunk with an Excess of Power.'

Then the Earl of *Chesterfield* stood up and said :

*My Lords,*

' Whatever may be the bad Consequences of keeping up a great Number of regular Forces in any Country, no Argument drawn from thence can be any Way applicable to the Number of regular Forces proposed by the Bill now before us to be kept up : By this Bill, my Lords, it is proposed to keep up only 17 or 18,000 Men ; and such a small Number is so very far from being dangerous to the Liberties of this Nation, that it is absolutely necessary for the Preservation

Anno 6. Geo. II. 1732-33. *servation of our Liberties, and for the Support of our present happy Constitution.*

‘ We must, my Lords, suppose two things, before we can suppose that the regular Forces kept up may be of any dangerous Consequences to our Liberties : We must suppose them to be so numerous as to be able to hold the whole Body of the People under Subjection ; and we must suppose the Gentlemen of the Army to be all of them such abandoned Creatures, as that they will join together unanimously in the wicked Design of enslaving their Native Country : In the present Case, neither of these Suppositions can be made ; such a small Number as that of 17 or 18,000 Men, can never be supposed to be able to hold the whole Body of the People of *Great-Britain* under any Subjection : We have, I hope, many hundred Thousands of brave Men in *Great-Britain*, who would rise in Arms, and would soon swallow up such a handful of Men as that of our regular Army, if they should but once be suspected of joining in any Design against the Liberties of the People. And, my Lords, I have so good an Opinion of the Gentlemen now employed in the Army, that I cannot suppose, I believe no Lord in this House can suppose, that any great Part of them would join in any wicked Design for the enslaving of their Country ; if any Attempts were to be made upon our Liberties, I am persuaded that the Gentlemen of the Army would be the first to appear against such Attempts, and would join heartily, and, I hope, unanimously in the Defence of their Country.’

The Marquis of Tweeddale spoke next :

*My Lords,*

Marquis of Tweeddale. ‘ I am so far from being of Opinion that the Number of regular Forces, proposed by this Bill to be kept up, is absolutely Necessary for the Preservation of our Constitution, in such a Time as the present, in a Time of the most profound Tranquillity, that I am thoroughly convinced no such Number would be necessary even in a Time of the most raging War ; and, my Lords, for the Support of my Opinion, I have the Experience of all past Ages. In the Time of the late War there was never any such Number kept up within the Kingdom, and yet how vain were all those Attempts that were then made against our happy Establishment ?’

‘ The unnatural Rebellion that was raised against his late Majesty, is a convincing Proof how little necessary it is to keep up such a Number as is now proposed : There was then a very formidable Insurrection against the Government, perhaps as formidable an Insurrection as ever can be made against a just and a legal Government, and yet that Insur-



Infurrection was defeated by a very small Handful of regular Forces, a much less Number than what is now proposed to be kept up; for we all very well know that that Rebellion was defeated before the Arrival of any of the foreign Troops, which were then brought into the Kingdom. The Rebels were subdued, and all were soon after obliged to submit, or to fly from their Native Country. I wish indeed that some other Measures had been afterwards pursued, with regard to those who were engaged in that unjust and unnatural Affair; the Government might perhaps have made a better Use of their Success; for if I am rightly informed, there was not a Shilling of the forfeited Estates ever came to the Use of the Publick, they were all applied to the Payment of those Commissioners and Officers, who were employed to inquire after them.

Anno 6. Geo. II.  
1732-33.

It is not easy to determine exactly, what particular Number of regular Forces may be absolutely necessary for preserving a just Government; but I am sure, that the best way of determining is, from the Experience of past Times; and whatever Number may be necessary for supporting a just Government, I am as sure, that any Addition made to that Number, is a Step towards the Support of an unjust and an arbitrary Government. The Number now proposed, is not the only thing to be regarded in the present Question: It is true, there is but 18,000 proposed to be kept up, but we all know that in the manner that this 18,000 is modelled, in the manner they are kept up, they may upon any Emergency be speedily augmented to 40,000 effective Men: And that Number, if they stood unanimously together, would, I am afraid, be able to support and render successful any Attempts against the Liberties of the Nation, notwithstanding the great Numbers of brave Men we may, I hope, justly brag of still having in Great-Britain.

I have as good an Opinion of the Officers now employed in the Army, as any Man can have; I have no doubt but that they would be ready to oppose any Attempts against the Liberties of their Country, but they are not immortal; nor are we sure that they will always be continued in Command, or that they will be succeeded by Men of the same Virtue and Honour: If any Prince, or any Chief Minister, should ever form Designs against the Liberties of the People, to be sure he will first model the Army for that purpose; he will dismiss all the Men of Honour, and will put Creatures of his own into their room, Creatures who will be always ready to execute the most unjust, the most tyrannical Commands that he can possibly give: This, my Lords, may be



Anno 6. Geo. II. be done in a Moment, and thus the Nation may be undone before any Man can fly to its Relief.

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‘ As I have said, I am thoroughly convinced that the Number of regular Forces by this Bill proposed, is much larger than what is necessary for the Support of the Government, or for the Preservation of the Constitution ; I must therefore think that the keeping up of so great a Number is a turning that Civil Government, under which we have for so many Ages preserved our Liberties, into a Military sort of Government, under which no Country ever did, it is impossible that any Country ever can, preserve either their Liberties or their Properties ; under such a Government, the Possessions of every Man must entirely depend upon the Good-will of the Chief Officers of the Army ; the poor Farmers and Tradesmen must submit to be plundered and mal-treated by every common Soldier, and the Men of the best Families in the Nation may often be obliged to sue, in the most humble manner, to those who were formerly their Footmen or Menial Servants. This to me, my Lords, is a most terrible State, and therefore I must be for agreeing to the Reduction proposed.’

Then the Duke of Newcastle spoke as follows :

*My Lords,*

Duke of Newcastle.

I should be very glad to agree to the Reduction proposed, or to any Reduction ; if I thought it any way safe for us to do so ; but, my Lords, I have always observed, and any Lord may make the same Observation from the Experience of Times past, that we never as yet made any Reduction in our Army, but what it encouraged our Enemies, both at home and abroad, to make Attempts towards disturbing the Peace and Quiet of the Nation ; we might perhaps with a less Number be able to defeat any Insurrection that could be made against the Government, but when we never could be at Quiet for any considerable Time, the Enemies of the Government would be always forming Plots and Designs against us ; and the only Method for preventing any such, and for preserving Peace among ourselves, is to keep up such a Number of regular Forces, as may take away from such Men all Hopes of Success : The Number now proposed is the least that can be thought sufficient for such a salutary End, and if it were much greater than it is, there would be nothing to be feared from it under his present Majesty or any of his illustrious Family : The present Royal Family is established upon the Principles of Liberty, upon the Principles of the Revolution, and it is by such Principles only that they can support themselves : The Support of the present Royal Family, and the Support of the

the Liberties of the Nation depend mutually upon one another; they so necessarily depend on one another, that neither can be destroyed without involving the other in the same Destruction; and therefore I never can have any Fears or Jealousies of any Number of Forces kept up under his Majesty or any of his Family.

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1732-33.

' Last Year, my Lords, I observed that none of your Lordships declared openly against keeping up any Number of Forces, or any Army at all; you seemed all to agree that it was necessary to keep up some regular Forces, and yet I observe that all those who then appeared for a Reduction, joined all together in voting against the whole Bill; they were against having any Bill at all for the Punishment of Mutiny and Desertion; from whence I must conclude, that all those who were then for a Reduction, chose rather to have no Mutiny-Bill, nor any regular Army, than not to have that Number reduced which they had proposed to be reduced.'

' I do not know, my Lords, what the noble Lord meant, when he talked of Men's being drunk with an Excess of Power; I do not know any Man that is so, or that has any Opportunity of being so; nor do I know of any Schemes that have been, or that are to be attempted or executed, that are either grievous or burthenfome to the People. I have indeed some Guess at what Scheme the Noble Lord points at, but I believe that when that Scheme comes before us, it will appear to be agreeable to the People, at least to all the honest Part of the People, and it will most certainly appear to be beneficial to the Nation in general. If the Gentlemen who are to propose it, did not think it so, they would be in the wrong to attempt it, I am sure they never would attempt it; but if they are convinc'd that it will tend to the Improvement of the Trade of the Nation, and to the Increase of the Revenue, I should think them very weak if they were intimidated by those Clamours that have been artificially raised against it, by Men whose private Interest or Malice has prompted them to oppose what they must know to be for the Publick Good.'

' It is true, my Lords, the Publick Tranquility is to all outward Appearance at present pretty secure, but our Tranquility both at home and abroad depends upon so many Accidents, that it would be very imprudent in us to make any Reduction at least for this Year. Even at present there are perhaps some very strong Reasons for us to be upon our Guard; we may perhaps very soon have Occasion for regular Forces, but I cannot, my Lords, explain my self; I beg Leave not to do it; however, I may say, that I never will

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be for a Reduction, unless the publick Tranquility shall happen to be in such a State as may be much more certainly depended on, than it can be at present.'

' It is certain that there are two great contending Powers in *Europe*, between whom there is and will be a constant and a perpetual Rivalship, so that it is impossible for us, to be in an absolute Cordial Friendship with both at one Time; whenever we fall into any Degree of Friendship with the one, we must always expect to be at a sort of Variance with the other; while we keep ourselves in a good State of Defence at home, we shall always be independent of either, we need never be obliged to court the Friendship of the one too much, and we may condemn any Variance that we may happen to be in with the other; but if we should strip ourselves of our own proper Defence, we must then trust intirely to one of those Powers to defend us against the other, by which means we should soon be brought into an absolute Dependence upon one of those Powers, and should be obliged to join in every Measure, and to agree to every Thing that such Power could propose to us. And as I am convinced that the Number of regular Forces now proposed to be kept up, is absolutely necessary for our own proper Defence, at least for this Year, therefore I must be against making any Reduction.'

E. of Strafford. The Earl of *Strafford* spoke next :

*My Lords,*

' I shall readily grant that there is a continual Rivalship between the two great contending Powers of *Europe*; there always will, I hope, be such a Rivalship; for if ever that Rivalship should cease, which it never can but by one of them being swallowed up by the other, it would be an unlucky thing for this Nation, as well as for all the rest of *Europe*; but, my Lords, are we to keep up a numerous standing Army as long as that Rivalship shall continue? if so, we must never think of any Reduction: No, my Lords, that Rivalship has already continued for many Ages, and yet we have always supported ourselves against both, without having ever kept up any standing Army; this new sort of Defence has been but lately thought on, and never can be a proper Defence for this Nation: The only Way we have to secure ourselves at home, to make ourselves considerable abroad, and to force a Respect from both these contending Powers, is to do as we have always formerly done, to put our whole Trust in our natural Strength, which consists in our Fleet, and in the natural Bravery of our Men in general; as long as we trust to this, and observe a Neutrality as to both these contending Powers, we shall be courted

by

by both ; we may fall in sometimes with the one and sometimes with the other, according as may best suit with our own Interest, and with the Circumstances of Affairs at the Time : By such a Management we shall always be able to hold the Ballance of *Europe* in our own Hands, and never will have any Occasion either to court the Friendship, or to fear the Resentment of any Power on Earth.

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‘ But, my Lords, if we begin to pursue contrary Measures ; if we be always the first to enter into Alliances with the Powers of *Europe*, and the original contracting Parties in most Treaties, we thereby give the Power of holding the Balance of *Europe* out of our Hands ; and the neglecting our Fleet and our Militia, for the sake of keeping up a standing Army, will soon render us contemptible to every one of our Neighbours, unless we resolve to keep up a much more numerous Army than what is proposed by this Bill, and such a Proposition will I hope never be approved of by a Majority of either House of Parliament.

‘ A Standing Army and a Military Law has, my Lords, been always inconsistent with the Liberties of the People : The Officers and Soldiers, under such a Regulation, are always obliged to give the most implicit Obedience to the Commands of their Superior Officers ; they must observe and execute the Orders they receive without any Reserve or Hesitation ; they must not inquire whether their Orders be according to Law ; if they do, they are guilty of Mutiny, and may be immediately shot for any such Disobedience. The chief Commander of an Army must always be vested with an arbitrary and absolute Power over the Army, and if his Army be numerous, he may easily by their Means extend his Power over the whole People of the Country where such Army is kept up ; and therefore, my Lords, in all Countries where the People have any Regard to their Liberties, they ought never to keep up a greater Number of regular Forces than are absolutely necessary for the Security of the Government, and for the Preservation of the Country against any sudden Invasion or Inroad that may be made by a foreign Enemy. In this Country we have the Happiness to be surrounded by the Sea, we know how difficult and expensive it is to make any Invasion upon us with any great Body of Men : Any such Invasion we must have a timely Warning of, and by having our Militia in good Order, and our Men, as they were formerly, all trained up to Arms and Military Discipline, we should always be able to draw, upon any Occasion, and in any Place within the Island, a great Army together, to oppose our Enemies ; if they should happen to have the good Fortune to escape our Fleet at Sea. In our present Circumstances, my Lords, and considering the happy Situation



Anno 6. Geo. II. 1732-33. *ation of our Country, I must be of Opinion, that 12,000 Men are abundantly sufficient for all the good Uses we can have for them, and therefore I shall give my Assent to the Reduction proposed.'*

D. of Argyle.

To this the Duke of *Argyle* reply'd,

*My Lords,*

I agree with those Lords who say, we ought to trust to our Fleet ; we have good Reason to do so, and we accordingly do put a great Confidence in our Fleet. It is happy for us that we are surrounded with the Sea, for otherwise, if there were any Communication by Land between our Neighbours and us, instead of the small Number of regular Forces now proposed to be kept up, it would be necessary to keep up at least three times the Number : Let us but consider the great Armies that are kept on Foot by our Neighbours, and then we must conclude, that if they could invade us by Land, a regular Army of 60,000 Men would hardly be sufficient for our Defence ; and besides this, my Lords, we should be obliged to be at a great Expence in fortifying all our Cities and Towns, to prevent our Country's being over-run by any sudden Invasion, or after any unfortunate Battle. These Misfortunes and Charges we are kept free from, by being surrounded by the Sea, and as long as we have a Fleet superior to any one of our Neighbours, it is hardly possible for them to invade us with any considerable Armament ; but, my Lords, we are not to trust entirely to our Fleet for protecting us against a small Force ; a small Fleet may be so speedily prepared, an Invasion with a small Force may be so suddenly made, that the Troops may be landed before we have any Account of their Embarkation ; at least such a small Fleet may be got out to Sea, before we have any Account of their Design ; and if they be once got into the wide Ocean, it is well known how easily they may escape being met with by our Fleet. If such a Thing should happen, if ever a small Number of regular Forces should be landed, and we had no regular Forces to oppose them at their Landing, what would be the Consequence ? Why, my Lords, we might be subdued before we could have it in our Power to make any Resistance ; for it is not to be supposed, that the Militia of this or any Country could make any Resistance against a Body of regular Veterans ; Numbers of Men are very little to be depended on ; the Men may be personally brave, but if they want Discipline, a very numerous Body of Men may be easily defeated by a Handful of regular Soldiers : This we may be convinced of from History ; this we may see, my Lords, if we but attend to what happens every Day in other Parts of the World.

I have, my Lords, heard Gentlemen condemn the Spanish Armada, which was fitted out in Queen *Elizabeth's* Time



Time against this Nation ; but in my Opinion, it was lucky for this Country that they never got to the Shore ; they had, my Lords, 16,000 Veteran Troops on board, which were to have been reinforced with as many more as soon as the Fleet could return to fetch them : I am afraid, if that Armada had not met with the Fate they did at Sea, if they had not been dissipated by Storms and Winds, that wise Queen would not have found a great deal of Safety in the Militia which she had raised, she would have found even the greatest Number of them but a very unequal Match for such a Body of well-disciplined Veterans : And but lately, my Lords, we were again in great Danger from the same Country ; then indeed they did not pretend to be a Match for us at Sea, and for that Reason they prepared for an Invasion upon us with a small Number of Troops ; and they did it so privately and so speedily, that they might have been landed before we knew any Thing of their Design, if their Fleet had not again been dissipated by Storms : They had then, 'tis true, but a small Number of regular Forces, but few as they were, if we had had no regular Forces to have opposed them, they would have been sufficient for the Design, considering the great Assistance they would have got from the Dissaffected, and the great Numbers even of our own Men that would have joined them at their Landing : Even notwithstanding the regular Forces we then had on Foot, we do not know what would have been the Consequences of their Landing, it would at least have involved our Country in a Civil War ; our Liberties, our Properties, and all that is dear to us would have again been at Stake, we must again have contended for them in a doubtful Field of Battle. Such Designs, my Lords, will always be forming against us, if we reduce our Army too low, and some such Design or other would probably be the Consequence of our agreeing to the Reduction proposed.

It is certain, my Lords, that every Country must have something to trust to for its Defence against its Enemies ; it must have some Force, some Power to protect it against Invaders ; if it has not a regular Army of its own Subjects to trust to, there must be some other Power substituted in the room thereof. For my Part, I have considered this Question as much, I believe, as any Man ever did ; I have conversed with a great many Gentlemen upon the Subject, and I have read, I believe, all that ever was wrote upon the Head ; and the Whole, in my Opinion, may be reduced to these three Expedients, which are proposed in the room of a standing Army of our own Subjects ; to wit, our Fleet, our Militia, or an Army of foreign Auxiliaries.

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‘ As to our trusting altogether to our Fleet, the Experience of all Ages shew us the Precariousness of such a Dependence; besides the Instances I have already given, we know what Danger we were in, in the Year 1708. The Invasion designed upon us at that Time might very probably have taken Effect, notwithstanding our Fleet, if the *French* Commanders had had general or discretionary Orders; but happily for us they had peremptory Orders to land only at such a particular Place; and it not being in their Power to land at that Place, their Orders did not permit them to land at any other. In that Country the Custom then was, for the King’s Council and Ministers to direct both their Generals and their Admirals in every particular Part of their Conduct; a Lady perhaps gave Directions to the General when to fight, and a Secretary of State, who perhaps never saw a Ship in his Life, gave Orders to their Admiral how to sail: To this it was we owed our Safety at that time, for by the Orders their Admiral had, he could not well avoid being met with by our Fleet; but this was not the only Thing that then saved us from having a Civil War kindled up in the Bowels of our native Country; that Invasion might have taken Effect, that Fleet might have sailed, and the Troops might have been landed according to those peremptory Orders, before we could possibly have fitted out a Fleet to have intercepted them, if it had not been for a private Pique or a sort of Jealousy between two great Ladies at the Court of *France*, by which their Preparations at *Dunkirk* were retarded, and their Fleet kept from sailing for several Weeks; whereby we had Time to prepare for their Reception, and to fit out that Fleet which prevented their Landing at the Place they were ordered to.

‘ Even the happy Revolution, my Lords, is an Instance how little a Fleet is to be depended on; it is well known, that King *William*, in his Way to *England* at that time, came in Sight of the *English* Fleet which was well provided, and able enough to have fought him; but the Winds were so contrary, that it was impossible for the *English* Fleet to come up with the *Dutch*; if they had, my Lords, that glorious Attempt, by which we recovered our Liberties, might have been defeated: By this Accident we then recovered our Liberties, but if we should ever resolve to trust intirely to our Fleet, the same Accident may hereafter be the Cause of our losing them.

‘ The second Expedient proposed in the room of a standing Army, is the Militia: Now, my Lords, considering the present State of our Militia, I believe, it will not be pretended that we can trust to them; I confess, my Lords, that

that the Militia of a Country may be brought under such exact Discipline, as to make them almost equal to any regular Troops ; but, I believe, such a Thing is not to be done in this Country : We now see how much Grumbling is occasion'd by the Militia's being called out to exercise but once a Year ; and from thence we may judge what would be the Consequence if they were to be call'd out once or twice a Week, which would be absolutely necessary, in order to keep them always so well disciplin'd as that they might be depended on for immediate Service upon any Occasion. I have, my Lords, often heard it insisted on, that the keeping up of a Standing Army raises Disaffection to the Government ; this I cannot agree with, but from what I daily see, I must conclude, that the laying the whole Militia of the Kingdom under a Necessity of marching out to Exercise once or twice every Week, would raise a most terrible Disaffection against the Government ; and the Disaffection would be the more terrible, because the Disaffected would not only have Arms in their Hands, but would have some sort of Skill in using them.

I have, my Lords, seen a great many Projects for keeping the Militia under a good Discipline, but in my Opinion, every one of them would in this Country prove to be Impracticable, Ineffectual, or much more Expensive to the Publick than the regular Army now kept up. But, my Lords, supposing such a Project to be practicable, supposing that the Militia could be kept under exact Discipline, what is the Difference as to our Liberties ? Is a Soldier in a red Coat more dangerous to our Liberties than a Soldier in a black, a blue, or a white Coat ? For my Part, I can see nothing more terrible in Red than I can see in any other Colour, nor can I think that an Army in Red is more terrible or more dangerous to our Liberties than an Army in Black ; I do not know, indeed, but the latter may be the most dangerous of the two ; they have certainly done much more mischief to Mankind, and to this Country in particular. As to the Power of the King, it is the same over the Militia that it is over a standing Army ; he has an absolute Command, and names all the Officers in the one as well as in the other ; and if he were to make any Attempts upon our Liberties, would it not be as easy for him to model the Militia, as it would be to model the Army ?

As for the Officers and Soldiers of the Army's being obliged to obey the Orders they receive from their Superior Officers, without any Limitation or Controul, it is certain, my Lords, they are not ; they are obliged to obey only legal Orders ; if they should receive any illegal Commands, they

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they may disobey with Impunity. If I were at the Head of my Regiment, and should order them to shoot a Gentleman innocently passing by, might not my Regiment refuse to obey any such Orders? Can it be said that they would be found guilty of Mutiny, or be condemned to be shot by a Court-Martial for such Refusal? No, my Lords, their Conduct would be approved of by any Court-Martial, their Disobedience would be commended, and the only Person to be condemned, would be he who gave the illegal Orders. The Officers and Soldiers of the Army are therefore, in this as well as in most other Respects, upon the same Footing with those of the Militia, or at least upon the same Footing that the Militia must be put on, before they can be made useful for the Defence of the Nation.

Thus, my Lords, it appears, that with respect to our Liberties, a standing Army of our own Subjects can be no more dangerous than a well-ordered and a well-disciplined Militia; and by late Experience we find, that they behaved after the same Manner, when they found that Attempts were making against the Liberties of the Nation: In the Reign of the late King *James*, the Army behaved in the same manner as the Militia had done under his Father. It is a sort of Article of Faith among some People, to believe that no Attempts were made against our Liberties in the Reign of King *Charles I.* But, my Lords, the Case is so far otherwise, that his whole Reign, at least from the Beginning to the Year 1641, was a continued Scene of the most arbitrary and oppressive Measures that were ever pursued in any Country in *Europe*; what by his Court of Star-Chamber, and by his Spiritual-Courts (of these last, I think, my Lords, we have some still remaining) did not he oppress the Subject in the most unprecedented Manner? Even the first Set of Ministers he had, began to encroach upon the Liberties of their Country; but after them he got a spiritual Prime-Minister, an Archbishop, who soon drove the Nail to the Head, and laid the People under a Necessity of taking Arms in Defence of their Liberties and Privileges: That King and his Ministers had taken all possible Care to model the Militia, he had the supreme Command over them, he had named such Officers over them as he thought would do whatever he pleased, but what was the Consequence? When Affairs were come to this Crisis, that they saw they must fight either for the Liberties of the People or against them, many of those Officers the King had named took Party against him, and the Orders of those who appeared for him were in many Places despised by the private Men. The Army under his Son behaved in the very same Manner, and it will always be so; in the

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Case of a Civil-War, the Army being Part of the People, Anno 6. Geo. II. they will certainly behave as the People do ; they will divide, and every Man will join that Party which he thinks most in the Right. 1732-33.

‘ Now, my Lords, as to auxillary Troops, I believe no Man will pretend that we ought to keep a standing Army of foreign Auxiliaries within the Kingdom, and if we should upon any Occasion call any such to our Assistance, we are not very sure that they will go out again at our Desire : It has been most justly observed by a very great Author, that whatever Country trusts her Defence to foreign Auxiliaries, must become the Slave of those in whom she puts her Trust. But, my Lords, supposing that foreign Auxiliaries called in to our Assistance, would always leave us whenever we had a Mind ; yet Experience has shewn us, that we cannot always depend on their coming to our Assistance as soon as called. The late unnatural Rebellion afforded us an Instance of this ; that Rebellion which broke out against his late Majesty soon after his Accession, and I am sure he had done nothing to deserve that Treatment, he had done Injustice to no Man, he had made no Encroachment upon our Liberties, yet such a dangerous Insurrection broke out against him, and we had at the same time so few Troops of our own, that we were obliged to send to our Allies for that Assistance which they were engaged by Treaties to give us : Unluckily it had happened that the *Dutch*, for some time before, had been so much addicted to that political Maxim of reducing their Army, that they were not in a Condition to make good their Engagements to us : When we applied to them, we were answered, that they had no more than was absolutely necessary for maintaining their Garrisons ; so that we were obliged to hire Troops in *Germany*, and to wait till they marched down to the *Dutch* Garrisons, before we could have a Man of the *Dutch* Troops to march to our Assistance : And we had at that Time so few Troops of our own, that for some time after my Arrival in *Scotland*, I had but 1600 Men to make Head against almost as many thousands, then up in Arms in that Country against the Government. It is very wrong to imagine that in Time of Danger the whole regular Army we have can be brought together, they must in such Cases be divided in several Detachments, and a Detachment left at every Place where any Danger may be dreaded, so that even from the Number now proposed, it would not be possible to form a Body of five or six thousand Men in any Part of the Kingdom, except just about the City of London.’

‘ In the late Affair, the *Dutch* Auxiliaries did at last arrive, though not till after the Rebellion was in a great mea-



sure-defeated : But, my Lords, I shall never desire to see any more Foreign Auxiliaries in this Country ; I had been long in the Service of the States General, I was once a General in their Army, from whence one would expect that I might have had as much Authority over their Troops as any British General could have ; and yet I had a very great deal of Difficulty to keep them in any tolerable Order : They were mighty apt to mistake a Friend for a Foe, especially if they saw any Thing that was worth taking. I was an Eye-Witness of the many Hardships our best Subjects suffered from these Foreign Auxiliaries ; I then did what I could to remedy them, and in order to prevent any such for the future, I shall always be against any Measure, which may tend towards laying the Government under a Necessity of calling in Foreign Auxiliaries.

I cannot imagine how some People have got into that way of thinking, that the Liberties of all the Countries in Europe have been overturned by standing Armies ; I do not know one Country in Europe, whose Liberties have been overturned by their standing Army. It is a Mistake to say so of the Romans ; the Liberties of Rome were in a great measure overturned, by the Luxury and Corruption that had crept in among the People long before the Time of Julius Caesar ; and in his Time, their standing Army were so far from being the only Means of overturning the Liberties of Rome, that the greatest Part of the standing Army joined against Julius Caesar ; but he had a devilish Head of his own, so that by his own good Conduct, and the Bravery of his Troops he got the better of his Enemies, though they had the greatest Numbers even of regular Troops of their Side. If the Romans at that Time had had no standing Army, would not the People, would not the very Mob have done the same ? Every Man who had Courage, or who could be persuaded to go to fight, would have joined that Party he liked best ; the Commander who could make the best Use of those that joined him, would have got the Advantage, and the victorious Army would have had it in their Power to have settled the future Form of Government upon what Footing they had a Mind.

It is the same with Respect to all the other Countries of Europe where arbitrary Power is or ever was established. In France, it is certain that their Liberties were overturned long before they ever had such a Thing as a standing Army ; the oldest Regiment or Corps of regular Troops in France is what they call the Regiment of Picardie ; that Regiment was raised only in the first or second Year of the Reign of our Queen Elizabeth, and it is well known that long before that Time the Liberties of the French People were entirely

directly destroyed. In *Spain* we know that it was their Priests that destroyed the Liberties of the People; and it is by means of their Inquisition, that their arbitrary Government is to this Day supported; by means of that terrible Spiritual Court, their Priests support their own despotick Rule not only over the People, but likewise over the Court, and even over their Army too. In *Sweden*, my Lords, it was likewise their Priests that formerly established an arbitrary Rule in that Country; and it was by their Army that their Liberties were restored. In *Denmark* it was a House of Commons that surrendered up their Liberties to the Crown; they first gave up their own Liberties, and thereby they enabled their King to get himself declared the absolute and the arbitrary Sovereign over the whole Country.

Thus, my Lords, we may find that a standing Army never had in any Country the chief Hand in destroying the Liberties of their Country; nor indeed can it be supposed that they ever will: Can it be supposed that any Man of common Sense, who has a good Post in the Army, and has the Laws of his Country for his Protection as long as he behaves well; can it, I say, my Lords, be supposed that any such Man will ever join in Measures for subjecting himself to the uncontrollable Will and giddy Pleasure of any one Man? He must know, that true Honour and Virtue, or a faithful Performance of his Duty could then be no Protection to him; his Life, his Estate, and every thing that is dear to him, must then depend on the mere Pleasure of a Court; and every Man knows, that about Courts, true Honour and Virtue often falls a Sacrifice to Whispers, to deceitful Insinuations, and to false and private Accusations: Is it then reasonable to presume, that the Gentlemen of the Army, who are by their Education bred Strangers to the low Arts and vile Practices usual about Courts, will ever give up that honourable Dependence they have upon their own Behaviour and the Laws of their Country, for the sake of a slavish Dependence upon any Court whatever? For my part, it is not possible for me to suspect any such Things; and therefore I cannot from thence draw any Argument against keeping up a standing Army in this Country.

But, my Lords, it is not proposed that we should put our whole Trust in the Army; the Number proposed is no way sufficient for that Purpose; the Army now proposed is only for protecting the Peace and Quiet of the Country against sudden Invasions, with a small Number of Troops, or against little Insurrections, or rather Mobs that may be raised by a few discontented Subjects: But the main Strength of this Nation, and that upon which we principally depend, is the Superiority of our Fleet, and the Bravery of our Men

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in general : Let us continue to preserve the present Superiority we have as to our Fleet, let us continue to cultivate Bravery and Military Discipline as much as possible among our Men in general ; but do not let us, for the sake of groundless Jealousies and pretended Fears, expose the Peace of our Country to be disturbed by every neighbouring State who shall take it in their Heads so to do, or by every Subject who shall be prompted by his Resentment or Ambition to rebel against the Government of his Country.

The Lord *Bathurst* rose up next, and spoke as follows :

*My Lords,*

Lord *Bathurst*,

The Noble Duke, who spoke last, has spoke so fully and so well in favour of a standing Army, that if it were possible to convince me that a standing Army is consistent with the Liberties of any Country, that Noble Duke would have done it ; I should even be afraid to rise up to offer any thing in Answer to what he has so well said upon that Subject, if it were not, that I think myself under a Necessity of giving your Lordships some Reason for my voting as I shall do, in the important Question now before us.

I was glad, my Lords, to hear that Noble Duke allow, that the Militia of the Kingdom might be put upon such a Footing as to be useful for our Defence : This I should be glad to see done, because I think it the only Defence, next to our Fleet, which we can with any Safety trust to ; and as there is no Man more capable than he, for putting us in a way of making our Militia useful, I wish he would give us his Thoughts upon that Subject ; I am sure there is nothing he can offer but what will be well received and readily agreed to. As to the Expence of keeping our Militia under a proper Discipline, I do not think that it is of any Consideration in the present Question, if it should amount to a great deal more than what we now pay for maintaining our regular Army ; it would be an Argument of no Weight with me against the Scheme, for I am sure if the Expence were greater, our Power would be render'd in Proportion much more extensive, and our Liberties much more secure.

If, my Lords, the Militia were to be put upon a proper and a right Footing, if they were to be put upon such a Footing as to be really useful for the Defence of the Country, it is not to be supposed, that the People would grumble at any Charge or Inconvenience they were put to upon such a necessary and reasonable Account. The many Loads they have quietly submitted to of late Years, shew us, that they are not apt to grumble, when they are convinced of the Reason of the Thing ; but at present they know, that the Militia are of no publick Use, they know that the drawing them out to Exercise tends to no End but that of putting

putting Money in the Pockets of the Officers, and therefore they grumble when they find themselves put to any Expence upon such an unprofitable Account. Anno 6. Geo. II.  
1732-33.

Though the Militia of the Kingdom be under the Command of the King, though their Officers be all named by the King, yet under such a Military Force, our Liberties must be safe: The Militia of the Kingdom are the People of the Kingdom, and it is impossible to make use of the People for oppressing the Liberties of the People; but a standing Army of regular Forces soon begin to look upon themselves as a Body separate and distinct from the People: And if the People in general neglect the Use of Arms, and trust entirely to such a Military Force for their Defence, the King, who has the absolute Command over them, may easily fall upon Ways and Means to make Use of them for oppressing the Liberties of the People; by granting particular Favours to such a Military Force, and by preserving the Affections of a few Men bred up to Arms and Military Discipline, he may do whatever he pleases with the Multitude who have neither Arms in their Hands, nor any Knowledge how to use them if they had. What the Noble Duke said as to Auxiliaries is most certainly true, those who trust entirely to Auxiliaries for their Defence, must always be Slaves to those in whom they put their Trust: It is, My Lords, for this very Reason that I am against a Standing Army; for it holds equally true of a Standing Army of our own Subjects, as of an Army of foreign Auxiliaries; whoever trusts his Defence to any thing but himself, must be a Slave to that in which he puts his Trust; and whatever People put their whole Trust in a Standing Army even of their own Subjects, will soon come to be as great Slaves as the People who put their Trust in an Army of foreign Troops; the Masters may be different, but the Slavery is the same, and will be equally grievous.

I believe it never was said, that a Standing Army is the only Method by which an arbitrary Power may be established; there are, without doubt, other Means by which it may be established, but I am sure that it can never be long supported without a Standing Army. By a political and cunning Administration the People may be cheated out of their Liberties; by some specious Pretence or another they may be induced to give up all those Barriers, which are the Defence and the Protection of their Liberties and Privileges; but the Fraud will at last be discovered, and as soon as it is, the People will resume their ancient Privileges, if there be no new sort of Power established for protecting the arbitrary Government against any such Resumption, which Power can never consist in any thing else but a Standing Army of some kind or other.



Annos. Geo. II.

1732-33.

‘ A Standing Army must therefore, my Lords, be of dangerous Consequence to the Liberties of every Country. In some free Countries there may be at least a Shew of Reason for their submitting to such a Danger, but in this Country there cannot be so much as a Shew of Reason; we have a Fleet superior to that of any of our Neighbours, and we know how difficult it is for any of our Neighbours to invade us with a considerable Force; such Designs must always be discovered long before they can be ready for Execution; and as long as we preserve a superior Fleet, we shall always have it in our Power to prevent the Execution of any such Design; but granting that they should by any strange Fatality or Negligence, escape our Fleets at Sea, yet still we should have time to prepare for their Reception; if our Militia be always kept in good Order and under a proper Discipline, they will be sufficient for our Defence against any Power that can be brought against us, as long as the King is possessed of the Affections of the People in general, and those he can never lose so readily as by despising the People, and trusting entirely to his Standing Army.

‘ As for those small Invasions which the noble Duke was pleased to mention, what though they had landed? What would have been the Consequence? I hope, my Lords, it is not to be imagined, notwithstanding the contemptible State to which our Militia has been by Neglect reduced, that this Country is to be conquered by six or seven thousand Men. Even the late King *William*, though he had escaped the *English* Fleet, where it is supposed he had a good many Friends, though he had double that Number of Men, and though he got all his Troops safely and without Opposition landed upon the *English* Shore; yet, my Lords, upon his seeing so few come in to join him upon his first Landing, he was very near going off again. It is not an easy matter to bring about a Revolution against an established Government; but it is still much more difficult to come in as Conquerors, and pretend to subdue such a powerful and populous Country as this is. And if the great King *William*, who came to relieve us from Slavery and Oppression, who brought along with him so great an Army and so powerful a Fleet; if he, I say, was so doubtful of Success upon his first landing, what have we to fear from any small Invasion? Surely from such the Nation can never have any thing to fear; whatever such a Government as that of King *Jamer's* was, might have to fear from such Invasions when encouraged, called in and supported by the Generality of our People at home. This is a Case which I hope never will again happen; it is a Case against which we are not to provide, and



and for these Reasons I shall be for agreeing to the Reduction proposed. Anno 6. Geo. III.  
1741-2

‘ As to our Armies not being obliged to obey any but legal Orders, I do not know, my Lords, whether it be so or not ; but in my Opinion the noble Duke has given us a good Hint for an Amendment to the Bill ; this Word, *Legal*, ought certainly to be put in, and then in case of any Disobedience to such Orders, a Council of War would certainly have it in their Power to examine first into the Legality of the Orders given, as to which there may be some Doubt as the Bill stands at present ; it may be at least alledged that as the Bill now stands, the Council of War would be obliged to pass Sentence against the Soldiers for Mutiny, whatever they might afterwards do with the Officer who gave the illegal Orders.

Then the Lord Carteret spoke as follows :

*My Lords,*

‘ So many Lords have spoke so well in favour of the Reduction proposed, and have so fully answered all the Objections made against it, that I should not have given your Lordships any Trouble on the present Occasion, if it had not been that I now find, that not only a Standing Army, but an Army of the full Number we have at present on foot, seems to be made a Part of our Constitution : The old Precedence of continuing the same Number of regular Forces for one Year longer, seems now to be laid aside : His Majesty in his Speech from the Throne told us that the Publick Tranquillity was now so fully established, that he had no other Reason for calling us together but only for the ordinary Dispatch of the Publick Business ; and must this, my Lords, be looked on as a Part of the ordinary Business of the Year ? Must the continuing of a Standing Army of 18,000 Men, in time of Peace, be a Part of that Business which is yearly to pass of course in Parliament ? It has been a long time continued from Year to Year ; but if it once comes to be an Affair which is yearly to pass of Course, wherein will it differ from those Standing Armies by which the Liberties of other Countries have been undone ?

‘ A Standing Army alone may not perhaps be sufficient for bringing so great a Misfortune upon a People ; there must be other Causes concurring ; but it may be averred, that in all Countries where arbitrary Power and abject Slavery have been introduced, the fatal Change in the Constitution has been owing to a numerous Standing Army, a great Number of Officers of the Revenue, and a profligate Clergy ; and even these three concurring together, must require some time before they can get the better of the Liberties

Anno 6. Geo. II. **berties of a brave People :** The Army must be so long kept up, and modelled in such a manner, as to be entirely dependent on the Crown ; it is not to be supposed, that the Officers and Soldiers of an Army raised from among a free People, can be immediately divested of all those Notions of Liberty, with which they were endowed when they first listed in the Army ; but if they have a brave and cunning Commander, this may be done in a few Years ; the Generality of them may be soon made regardless of every thing but the Will and Pleasure of him who can prefer them to a superior Command : A large Revenue and many Officers cannot be at once established upon a free People, this must be done by slow Degrees, and requires many plausible Pretences : And it is to be hoped that the Honour and Virtue of the Clergy would stand some little Shock, they could not at once be brought to that Degree of Prostitution, which is necessary for the Establishment of arbitrary Power.

1732-33.

At present, my Lords, we may depend upon his Majesty ; we are convinced that he will not attempt to encroach upon the Liberties of his People ; we may likewise depend on it, that our present Army would not support any such Measures, were they to be attempted ; his Majesty has been so good as to employ Men as Officers in the Army, whose Honour and Integrity we may depend on, but we are not sure of having always a King so wise and good, or an Army of so much Virtue and Honour ; and under the best of Kings we ought to provide against the worst.

I do not say, my Lords, that we are now in any immediate Danger of losing our Liberties ; but I say, that we are getting into that Way by which the Liberties of every Country have been undone ; we are establishing the Custom of keeping up a Standing Army in time of Peace ; we are every Year increasing the Number of the Officers of the Revenue, what will the Consequence be ? I tremble to think of it ! We are not indeed under any Danger while his present Majesty lives to reign over us : But will not every succeeding King say, why will you treat me worse than my Predecessor ? Why will you refuse to grant me that Number of regular Forces, or that Revenue which in the same Circumstances you granted to my Father ? And we well know, my Lords, how complaisant Parliaments generally are in the Beginning of a Reign ? they are generally more apt to increase both the Revenue and the Army of the Crown than they are to diminish either ; and if an ambitious Prince should succeed to the Crown, supported by such a numerous Standing Army as what is now proposed, so long kept up as to have formed themselves into a different Body from the People to whom they belong, and with such a Crowd of Officers

Officers of the Revenue as we have at present, all depending upon him and removable at his Pleasure, what may he not do ?

Anno 6. Geo. II.

1732-33.

‘ I am surprized, my Lords, to hear it said, that Standing Armies have had no Hand in the Overturning the Liberties of the several Countries of *Europe*. It is true that the most numerous Army can be of no dangerous Consequence to the Liberties of any Country, as long as it depends upon upon a great many Heads ; an Army can never be of dangerous Consequence, till it comes to be entirely dependent upon one Man, and that it generally does when it is long kept up, more especially if any one Man comes to get the whole Power into his Hands both of paying the Army, and of naming and preferring the several Officers employed therein. *Julius Cæsar* had too long a Head not to be sensible of this, and therefore he procured himself to be sent into *Gaul* ; there he continued for several Years at the Head of numerous conquering Armies, and having got into his own Hands both the Power of paying and preferring in his Army, he soon managed it so as to make them entirely obedient to him ; then he commanded them to march against, and with them he conquered his Country. If there had been no Standing Armies of either Side, the Consequence could not have been the same, though a Civil War had broke out ; the Armies newly raised by each Side must have had a Dependence upon a great many Chiefs, and which ever Side had got the Victory, the Chiefs would have taken Care of the Liberties of their Country ; they would have settled them upon the ancient Foundation, or upon a better, if any better could have been contrived.

‘ In *Spain* it was likewise by such an Army that their Liberties were destroyed ; the Inquisition, it is true, was set up much about the same Time, and in all Countries an Inquisition of some Kind or another generally accompanies Arbitrary Power ; there may be Courts of Inquisition with regard to Civil Affairs as well as Religious, and all Inquisitions are at first established upon some plausible Pretence : The Banishing of the *Moors* and *Jews* out of his Kingdoms, was the Pretence made use of by *Ferdinand* then King of *Spain*, but the Extending of his own Power was the latent and the chief Reason : The Inquisition was not, however, the chief Cause of the Loss of the *Spanish* Liberties, it was only a Consequence ; for before the Setting up thereof, he had got the absolute Command of a great Army, which had been kept up for several Years under Pretence of their War with *Portugal*, whose then King laid Pretensions to the Crown of *Spain* ; and by keeping his Country in continual Wars, he found Pretences to keep up a Standing Army.

Anno 6. Geo. II.

1732-33.

with which, it is true, he conquered and banished the *Moors*, but he therewith likewise conquered the Liberties of his Country; and the Chains of the People were soon after riveted by a Priest, a Cardinal Prime Minister, who completed the cruel Work which *Ferdinand* by his Army had so successfully begun.

In *France* too, my Lords, it was by Standing Armies chiefly that their Liberties were undone; it was not, indeed, by Armies modelled as they have them at present, but it was by altering the ancient Military Force of the Kingdom that their Liberties were destroyed; it was by their King's taking the Army *à sa Solde*, as they call it; for anciently the Military Force of that Kingdom depended chiefly upon the Nobility or great Princes; their Armies were composed of the Troops sent to the General Rendezvous by the several Princes of the Kingdom, who generally paid their respective Troops; or if at any Time they had them maintained at the Publick Charge, yet each Prince retained in his own Hands the naming and preferring the Officers employed in his Troops, and therefore no one Man could ever procure to himself an absolute Command over the Armies of that Kingdom: But at last this laudable Custom was laid aside, the King got into his own Hands the whole Power of raising and paying the Armies to be employed for the Defence of the Kingdom; and though for some time after he had no Money for that Purpose but what was given him by the States of *France*, yet we may really look upon this Change as the Beginning of the *French* Slavery. However for a long Time after this, the Kings of *France* could never prevail with their States to provide them with Money for continually keeping up a numerous Standing Army: their Armies were raised only when they had Occasion for them, and as soon as the Danger was over their Armies were dismissed; and yet, my Lords, they had for some Part of that Time a Pretender to their Crown; our *Edward* the III<sup>d</sup> then claimed to be King of *France*, and he, my Lords, was a very terrible Pretender; yet even by this imminent Danger they were then exposed to, they could not be induced to keep up a Standing Army; they never had any thing but Militia, or Troops raised as Occasion required, and with these they at last banished the *English* quite out of their Kingdom.

But as soon as the Kings of *France* got thus free of an Enemy within the Bowels of their Kingdom, they thereafter took Occasion of every foreign War that happened to encroach a little further upon the Liberties of their Subjects, to multiply Taxes and Tax-Gatherers upon them, and to get the Armies of the Kingdom more and more under their Command:



Command: In all which they succeeded beyond Expectation, by a most stupid Indolence that then reigned among the Nobility of *France*, and yet that Nation still retained some Remains of Liberty, till a Priest, Cardinal *Richlieu* by Name, gave their Liberties the last Stab. He indeed was a great Minister, and a great Politician, though he oppressed the Subject at home, yet he not only supported but raised the Grandeur of the Nation abroad; he committed no Blunders in his Administration, nor did he submit to any foreign Power in the Treaties or Negotiations he had with them; and we may remember that in his *Political Testament*, he left it as a Maxim, that the King ought never to part with any Tax he has once got established, even though he has no Use for the Money; because by giving up the Tax he loses the Officers that are employed in the collecting thereof.

Anno 6. Geo. II.  
1732-33.

This great Prime Minister was succeeded by another Priest, a foreign Priest, who had all his bad Qualities but none of his good; so that by his Misconduct *France* was soon involved in a Civil War, and it is said that one of the greatest Men of *France* at that time, and one of the greatest Generals of the Age he lived in, told the Queen Regent, that she had a Fellow at the Head of her Affairs who for his Crimes deserved to be tugging at the Oar in one of her Gallies. But the arbitrary Power of the King of *France* had by his Predecessor been so firmly established, that it could not be shaken even by the many Blunders he was guilty of; the Nation however was not yet rendered so tame, but that it was a long while before they would quietly submit to that Cardinal's Administration; and we must allow that even but lately there has a noble Spirit of Liberty broke forth in that Country, such a Spirit of Liberty, my Lords, as might probably reinstate the People in the full Enjoyment of their former Liberties and Privileges, if it were not for the great Standing Army now kept up in that Country.

In *Denmark*, my Lords, it was their Nobles that were the Occasion of the Loss of their Liberties; they had for some time thrown the whole Weight and Charge of the Government off of themselves, and had laid it on the Necks of the Commons; the whole Expence of the Publick they had for some time raised by Taxes which fell chiefly upon the poor People, and to which they contributed but a Trifle; and the Commons being quite tired out with these Oppressions and unjust Exactions, resolved at last to put the whole Power into the Hands of their Sovereign; so that whilst the Nobles were sitting and contriving Ways and Means how to load the poor Tradesmen and Manufacturers with



Anno 6. Geo. II. with such Taxes as did not much affect them, they were sent for to the Castle, and there were obliged to join in that Deed by which an absolute Power was put into the Hands of the King, who could not make a worse Use of it than they had done: This was the Method by which arbitrary Power was established in *Denmark*, but it has ever since been supported only by a Standing Army.

In *Sweden*, my Lords, their Liberties were not only destroyed but they were again restored by their Army; in this last Change, my Lords, that Country had the good Luck to be most singularly happy, but how was that most strange and extraordinary Turn of their Affairs brought about? I have some Reason to know it, because I was in that Kingdom \* when it happened. The late King of *Sweden*, my Lords, is well known to have been the Darling both of his Nobles and Commons; he was so much the Darling of the whole *Swedish* Nation, that almost every Man in it was at all times ready to sacrifice both his Life and his Fortune in his Service, and therefore he had no Occasion to model his Army for any bad Purpose; he had employed none as Officers in his Army, but the Nobility and Quality of the Kingdom, or such whose Merit and Services fully intitled them to whatever Preferment they were honoured with by him. His Prime Minister however got at last too great an Ascendant over him, Baron *Gortz* I mean, my Lords, who was a Man of no high Birth, nor any super-eminent Qualities; yet by his Cunning he got such a Power over his Master, that nothing was done without him, no Post, Civil or Military was bestowed but according to his Direction; the Men of the best Quality in the Kingdom, the greatest Generals in the Army, were obliged to submit, and to sue to him even for that which they were justly intitled to; if they shewed him the least Neglect, they immediately lost all Interest about the King; if any one of them disobliged the First Minister, he might perhaps be allowed to keep his Post in the Army, he was made Use of when they had Occasion for his venturing his Life for them; but from the Moment he disobliged the King's Prime Minister, he could not so much as make a Subaltern Officer; on the contrary his Recommendation was a sure Bar to any Man's Preferment.

The Nobility, the Generals, all the chief Men in the Army were sensible of this Slavery they lay under, and were resolved to free themselves therefrom if possible; but their Government was then absolute, there was no way of coming to Relief, but by making their King sensible of the Discredit that accrued to him, by allowing himself to be so much

\* Lord Carteret was Minister in Sweden Anno 1719.

much under the Management of any one Man : They knew their King to be a Man of Judgment and Penetration, and therefore a great Number of them resolved at last upon venturing to present a Memorial to him upon that Head. This Memorial, my Lords, was actually drawn up and signed, and was ready to have been presented, when that brave King was killed by a random Shot from *Frederickstadt* which he was then besieging.

Anno 6. Geo. II.

1732-33.



‘ If the King had lived to have received this Memorial, we cannot judge what might have been the Consequence ; notwithstanding its being signed by so many of the Nobility and chief Commanders, notwithstanding the King’s Judgment and Penetration, his Affection for his Minister might have got the better of the Respect he owed to such a Number of his Nobility and Generals ; and if so, as he was a most absolute Prince, the Memorial would have been doomed to be a seditious and a treasonable Libel, and some of them would certainly have paid with their Heads for their Presumption ; but the King’s Death rid them of this Danger, and the Prime Minister who had done so many ill Things, was immediately seized, tried, condemned and executed under the Gallows.

‘ By this Piece of publick Justice, the Nobles and the Generals of the Army, whom he had principally offended, were satisfied, they did not desire to pursue their Vengeance further than the Grave ; but, my Lords, the Clergy of that Kingdom, those Men who but a few Weeks before were his most humble Slaves, those Men who would have desired him if the Christian Religion had not stood in their Way, they had a Mind to shew a superior Degree of Zeal, they petitioned in a Body that his Corps might be buried under the Gallows.

‘ By the King’s Death the slavish Dependence of the Army was at an End, there was then no one Man who could pretend to any absolute Sway over the Army ; and as it was generally commanded by the Nobles of the Kingdom, they had it fresh in their Memories what Inconveniences both they and the whole Nation had been subjected to by the absolute and uncontrollable Will of their former King ; and there was no one of them that could have any Hopes of succeeding to his arbitrary Power, therefore they all resolved to put both the Government of the Kingdom, and the Command of the Army, upon a new and a very different footing. As to the Government of the Kingdom, they established a limited Monarchy, and finding that they must necessarily keep up a Standing Army to defend their large Frontiers, they therefore resolved, in order that the Army might not be entirely dependent on the Crown, that for the future

Anno 6. Geo. II.

1732-33.

future the Officers thereof should have their several Commissions, *Quamdiu se bene gesserit*. This Regulation a Nobleman of that Country told me, they took from the Regulation we have in *England* with respect to our Judges.

‘ It is, my Lords, a wise and a necessary Regulation ; it is a Regulation that ought in every Country to prevail, wherever a Standing Army makes a Part of their Constitution : In all such Countries the Officers Commissions ought certainly to be *Quamdiu se bene gesserit*, and Preferments ought to go in Course according to Seniority, some few Cases excepted ; for it is hard that a Gentleman who has nothing but his Commission to depend on for his daily Bread, should be obliged either to forfeit his Commission or his Hopes of Preferment in the Army, or otherwise to do what he knows to be inconsistent with the Law and Liberties of his Country.

‘ I hope, my Lords, that a Standing Army shall never come to be a Part of our Constitution, but if ever it does, I will say that without such a Regulation as I have mentioned, we shall then have nothing to depend on for the Preservation of our Liberties, but the Honour of the Army, the Integrity of the Clergy, and the Vigilance of the Lords.

‘ From what I have said, my Lords, it is apparent that a numerous Standing Army must always be of dangerous Consequence to the Constitution of this Country ; and I leave it to every Man to judge, whether we ought to expose our Constitution to such a Danger, for the pretended Apprehensions of any Insurrection at home, or of any Invasion from abroad ? As to Insurrections at home, we are in no Danger of any such as long as his Majesty reigns in the Hearts and Affections of the Generality of his Subjects ; and as to Invasions from abroad, I think the little Success the many designed Invasions, mentioned by the noble Duke, has met with, is an unanswerable Argument for shewing us that we ought not to be under great Apprehensions of any such in Time to come ; and that we ought not to subject ourselves to any Thing that may be in the least dangerous to our Constitution, for the sake of a Danger which Experience has shewn to be so very inconsiderable.

‘ If we should ever be threatened with a formidable Invasion, we should have Time to increase our Army to any Number we pleased ; we should even have Time to discipline that Army before we could be attacked by any great Force, and thereby we should be in Condition to defend ourselves at Land, if our Enemies should have the good Luck to escape our Fleets at Sea : And as to any small and unforeseen Invasion, if ever any such should be intended against us, they

they may probably meet with the same Fate that the former Anno 6. Geo. II. have done ; but if they should meet with better Luck, if they should come safe to Land, they could not bring above five or six thousand Men, our Fleets would prevent their being reinforced, and surely an Army of 12,000 Men in Great Britain, and another of equal Number in Ireland, would be sufficient to give a good Account of any such contemptible Invaders.

1732-33.

' It is not now, my Lords, proposed to disband our Army entirely ; it is not proposed to throw out the Bill now before us ; we are for keeping up as great a Number as may be necessary for preserving the Peace and Quiet of the Kingdom ; but we are against keeping up such a Number as may be dangerous to our Constitution. Though the Lords who were last Year for a Reduction, voted against the passing of the then Mutiny-Bill, 'tis not from thence to be concluded, that they were against any Mutiny-Bill, or any Number of regular Forces ; they were against the whole Bill as it then stood, but if that Bill had been thrown out, another might have been brought in according to their Liking, and that new Bill would then have been unanimously agreed to.

Then the Earl of Ilay stood up and said :

*My Lords,*

' Whatever some Lords may be pleased to say about an Army continued from Year to Year by Parliament, there is certainly a very great Difference, my Lords, between such an Army and an Army continued at the sole Pleasure of the Crown. It has, I think, been granted on all Hands, that while our Army is commanded by such Officers as it is at present, while Men of Fortune and Figure have the Command of the Army, our Liberties are secure ; but it is said, that these Officers may be turned out, this Army may be so modelled and garbled as to be made fit for any bad Purpose : This, my Lords, I shall easily grant might be done, if our Army were to be established for any Number of Years ; if it were to be continued at the sole Pleasure of the Crown, an ambitious Prince might be able to model it so as to make it subservient to his arbitrary Views ; but while it is continued only from Year to Year by Parliament, this is impossible to be done. It is no easy Matter to model an Army so as to make it fit for such Purposes ; we know how difficult it is to know the private Sentiments of Men's Hearts ; in such Cases Men often conceal their real Inclinations under the Cloak of a feigned Zeal for the direct contrary Opinion, which would make it very difficult for a Government that had any Designs against the Liberties of the People, to know

Earl of Ilay:



Anno 6. Geo. II.

1732-33.



know what Officers were to be turned out, or who were proper to be continued, or to be put in the Room of those turned out. It would be impossible to accomplish this in a Year's Time, and if any such Practices were begun, if any Steps should be made towards modeling the Army for a bad Purpose, the Parliament at their next Meeting would most certainly take Notice of it, and would apply a proper Remedy before it could be possible for any Prince or Administration to make the Wound incurable; and therefore, my Lords, I must still be of Opinion, that our Army, while it is continued from Year to Year by Parliament, cannot be of the least ill Consequence to our Constitution, were it much more numerous than what is now proposed.

‘On the other Hand, my Lords, the Danger of reducing any Part of our Army is very great: We know that such Reductions have often been attended with designed Invasions or Insurrections against the Government; this is a Danger we know by Experience, and therefore in common Prudence we ought not to come into any Measure, by which our Country may be again exposed to such a Danger. It is probable that none of those Invasions lately intended against us would have been successful, though they had got safe ashore; I hope no such ever will; but every one of them, if they had landed, would have thrown the Nation into terrible Convulsions. Is then, my Lords, the Peace and Quiet of our Country of no Consideration? Shall we expose our Country to frequent Alarms and Confusions, for the sake of avoiding an imaginary Danger, a Fear which can have no Foundation, as long as our Army is continued only from Year to Year by Parliament?’

‘We know, my Lords, that there is a Party in the Nation disaffected to the Government, there always will, I am afraid, be such a Party; and they, or at least a great many of them, will always join any Invasion that can be made upon us. Even out of Charity to them we ought not to afford them any Hopes of Success, by disbanding a Part of our Army; while they have no Hopes of Success they may grumble a little in private, but they will never venture to rebel openly against the Government, and while they continue in a peaceable State, they may live easily as Subjects, they will at least preserve their Lives and Estates from being forfeited by the Law; whereas if we reduce our Army, it will encourage Foreigners to invade us, it will encourage the disaffected to rebel against the Government, the Nation will never be free from Alarms, and we must be every now and then executing, or at least forfeiting some of our Countrymen, perhaps some of our Relations.

The



The Earl of Bristol spoke next:

*My Lords,*

I have often heard the present Argument debated in Parliament; I was one of those who were the Cause of the Army's being reduced so low after the Peace of *Ryswick*, perhaps I repented of what I did at that Time, because of the Turn that the Affairs of *Europe* took soon after: But I am fully convinced, I never shall have Occasion to repent of being for the Reduction now proposed, For my part, my Lords, I cannot but say, that the Question now before us puts me in Mind of what happen'd to a Farm-House of mine in the Country: The Wall of the House upon one Side had failed, and the House had sunk a little; yet it might have stood for many Years without any Necessity of pulling it quite down in order to be rebuilt, for which Reason, I believe, I should have then contented my self with repairing it a little, and adding some Butteresses to that Wall which had failed; but some Workmen persuaded me, that they could raise it up, and repair the Wall without pulling the House down, and I being prevailed on, to work they went; but in planting Posts and other Engines to raise up that Side which had sunk, I do not know how, whether by Design or by the Unskilfulness of the Workmen, they raised the House so high on that Side, that they tumbled it quite over.

At last the Question being put upon the Earl of Oxford's Motion, it was carried in the Negative.

The Mutiny  
Bill pass'd.

March 8. The Bill was read the Third Time and pass'd.

### *Dissentient*

For the Reasons entered on the Journal last Session, against the Number of Men, then and now to be established, which Reasons we refer to, and think the Circumstances of Time now, do by no Means lessen the Force of them.

Protest against  
it.

*Bruce, Montjoy, Batburs, Foley, Berkshire, Stafford, Litchfield, Bristol, Masbam, Gower, Northampton, Coventry, Oxford and Mortimer.*

April 4. There was laid before the House a State of the National Debt, provided or unprovided for by Parliament, as it stood *December 31. 1731*, and *December 31. 1732*. Together with an Account of the Produce of the Sinking Fund in that Year, and to the Payment of what Debts contracted before *December 25. 1716*, the said Fund has been applied.

|                                                            | Incr. be-<br>tween                            |                                               | Paid off within Amount: of the<br>the said Time. National Debt, ( |                 |
|------------------------------------------------------------|-----------------------------------------------|-----------------------------------------------|-------------------------------------------------------------------|-----------------|
|                                                            | Dec. 31.<br>1731.<br>and<br>Dec. 31.<br>1732. | Dec. 31.<br>1731.<br>and<br>Dec. 31.<br>1732. | Dec. 31. 1732.                                                    | Dec. 31. 1732.) |
| Amount of the National Debt upon <i>December 31, 1731.</i> | L. s. d.                                      | L. s. d.                                      | L. s. d.                                                          | L. s. d.        |
|                                                            | 1,837,033                                     | 9                                             | 1,837,033                                                         | 9               |
|                                                            | 108,100                                       |                                               |                                                                   |                 |

*Exchequer.*

Annuities for long Terms, being the Remainder of the  
 Original Sum contributed and unsubscribed to the South-  
 Sea Company,  
 Annuities for Lives, with Benefit of Survivorship, being the  
 original Sum contributed,

Annuities payable upon 2 or 3 Lives, being the Sum remaining after what is fallen in by Deaths,

Annuities at 9 *l.* per Centum, per Annum,

Ditto on Lottery, 1710,

Annuities on the Plate Act, 6<sup>o</sup> Georgii

*primi Regis,*

Annuities on Nevils and S. Christopher's

Debentures at 3 *l.* per Centum.

Exchequer Bills on the Victuallers Act,

Anno 1726.

Ditto, made out for the Interest on old

Bills exchanged.

Annuities at 3 *l.* 10 *s.* per Centum. per An-

num, for the Year 1731.

Duties on Salt revived, Anno 1732,

Note, the Land Taxes and Duties on Malt, being Annual Grants, are not charged in this Account, nor the 100,000 *l.* charged on the Deductions of 6 *d.* per Pound.

1733

Q 2

|           |           |                 |           |           |           |           |           |                 |
|-----------|-----------|-----------------|-----------|-----------|-----------|-----------|-----------|-----------------|
| <i>l.</i> | <i>s.</i> | <i>d.</i>       | <i>l.</i> | <i>s.</i> | <i>d.</i> | <i>l.</i> | <i>s.</i> | <i>d.</i>       |
| 134,282   | 14        | 8 $\frac{1}{2}$ | 2,785     | 6         | 8         | 131,499   | 8         | $\frac{1}{2}$   |
| 161,101   | 6         | 8               |           |           |           | 161,108   | 6         | 8               |
| 109,290   |           |                 |           |           |           | 109,290   |           |                 |
| 312,000   |           | $\frac{1}{2}$   |           |           |           | 312,000   |           |                 |
| 37,821    | 5         | 1               |           |           |           | 37,821    | 5         | 1 $\frac{1}{2}$ |
| 481,400   |           |                 |           |           |           | 481,400   |           |                 |
| 2,200     |           |                 |           |           |           | 2,200     |           |                 |
| 400,000   |           |                 |           |           |           | 400,000   |           |                 |
|           |           |                 |           |           |           | 460,000   |           |                 |
|           |           |                 |           |           |           | 500,000   |           |                 |
|           |           |                 |           |           |           | 40,000    |           |                 |

( 123 )

Exp

Anno 6. Geo. II.

1733.

East India Company.

By two Acts of Parliament 9<sup>o</sup> Will. tertii.  
Regis, and two other Acts 6<sup>o</sup> and 10<sup>o</sup> }  
Anne Regine. } 3,200,000

Bank of England.

On their original Fund at 6*l.* per Centum. 1,600,000  
For canceling the Exchequer Bills, 3<sup>o</sup> } 1,500,000  
Georgii primi Regis, }  
Purchased of the South-Sea Company, 4,000,000  
Annuities at 4*l.* per Centum, charged on  
the Duke on Coals, since Lady-Day, } 1,750,000  
1719. }  
Ditto charged on the Surplus of the Funds } 1,250,000  
for the Lottery 1714. }  
Ditto for Lottery, Anno 1731. 800,000

| l. | s. | d. | l.        | s. | d. |
|----|----|----|-----------|----|----|
|    |    |    | 3,200,000 |    |    |
|    |    |    | 1,600,000 |    |    |
|    |    |    | 1,500,000 |    |    |
|    |    |    | 4,000,000 |    |    |
|    |    |    | 1,750,000 |    |    |
|    |    |    | 1,250,000 |    |    |
|    |    |    | 800,000   |    |    |

# South Sea Company.

| On their Capital Stock and Annuities, per |           | A& 9 <sup>o</sup> Georgii primi Regis, |           |           |           |            |           |           |  |
|-------------------------------------------|-----------|----------------------------------------|-----------|-----------|-----------|------------|-----------|-----------|--|
| <i>l.</i>                                 | <i>s.</i> | <i>d.</i>                              | <i>l.</i> | <i>s.</i> | <i>d.</i> | <i>l.</i>  | <i>s.</i> | <i>d.</i> |  |
| 31,302,203                                | 5         | 6½                                     | 1,000,000 |           |           | 30,302,203 | 5         | 6½        |  |
| 48,985,438                                | 12        | 9½                                     | 500,000   | 8         | 14        | 48,442,655 | 6         | 14        |  |

Dr.

( 125 )

|           |           |           |
|-----------|-----------|-----------|
| <i>l.</i> | <i>s.</i> | <i>d.</i> |
| 364,799   | 16        | 4         |

The Exchequer to Cash of the Sinking Fund on December 31, 1731, is  
To the Produce of the Sinking Fund between Dec. 31, 1731 and Dec. 31, 1732, viz.

|                              |         |    |     |
|------------------------------|---------|----|-----|
| Of the Aggregate Fund,       | 622,876 | 16 | 4   |
| The General Fund             | 315,731 |    | 1   |
| The South-Sea Company's Fund | 148,725 | 4  | 10½ |
| Tax on Papists               | 196     | 19 | 2½  |

|           |     |
|-----------|-----|
| 1,097,530 | 24  |
| 1,462,329 | 16  |
|           | 3   |
|           | Per |

Anno 6. Geo. II.  
1733.





May 3. The House having ordered a Bill from the Com- Anno 6. Geo. III.  
mons relating to the Sugar Colonies \* to be committed; before the House resolved itself into that Committee, the Lord Bathurst stood up, and spoke to the following Effect,  
viz.

1713.

*My Lords,*

' I have a small Motion which I intend to make to this House, and therefore I shall take the Opportunity to make it before your Lordships enter upon the Business of the Day. I do not know, my Lords, but that something relating to the *South-Sea* Company may speedily come before your Lordships, and as in such Cases we ought always to be well prepared, and fully instructed by having all proper Papers laid before us, therefore, I will take the Liberty to move to your Lordships, that the Directors of the *South-Sea* Company may be ordered to lay before this House, an Account how the Produce of the forfeited Estates of the Directors of that Company in the Year 1720, has been disposed of, and all the Orders made in the general Courts of that Company relating to the Disposal thereof.

Lord Bathurst's  
Motion for an  
Account of the  
Produce of the  
S. Sea Directors  
forfeited Estates  
in the Year  
1720.

' This Account, my Lords, I now move for, that the present Directors of that Company may have Time to prepare it, that so the Business of the House may not be retarded by the Want of such an Account, in Case upon any Emergency we should have occasion for it. In looking over the Papers upon our Table, I find there is an Account lying there of the total Amount of those forfeited Estates; which Account was laid before this House in Pursuance of a Clause in an Act of Parliament, by the Trustees appointed by the same Act of Parliament for collecting those Estates for the Benefit of the Company; and accordingly, after the most of those Estates were collected, the Trustees were ordered by other Acts to deliver over the Produce of the said Estates to the Directors of that Company, in order to be divided by them among the Proprietors, according to the Rules prescribed by those Acts. This Account, therefore, being already upon our Table as a Charge against the Trustees, and the Directors of that Company, and as we have as yet seen no Account of Discharge in Relation to that Money, I think it is necessary, it is even incumbent upon your Lordships to call for the same, in order that you may see, and that the rest of the Nation may by your Means be satisfied, that the Terms of the Act of Parliament have been punctually complied with.'

Lord Bathurst was seconded by the Earl of Chesterfield, Earl of Chester, and Field.

\* See the Debate on that Bill in CHANDLER'S History of the Commons, p.

**Ann 6: Geo. II.** and the Lord *De la War*, who then sat as Speaker of the House in the Absence of the Lord Chancellor, having repeated the Motion in order to put the Question upon it, the Duke of *Newcastle* stood up, and spoke as follows, *viz.*

*My Lords,*

**D. of Newcastle.**

‘ I did not well hear this Motion when it was first made by the noble Lord, but now that I have heard it repeated, I must say that I cannot find out any Reason your Lordships have for calling for the Account now moved for, at least at this Time: There is at present nothing before us relating to that Company, nor do I know of any Thing that is to be laid before us; there is not, I am sure, any Lord in this House that can know of any Bill to be brought before us any Way relating to the Affairs of that Company; at least there is no Lord that can know of such a Bill in a Way proper for grounding such a Motion upon. If there really be any such Bill, it is, I think, time enough to call for such an Account when the Bill is actually brought before us; and the Pretence made use of for moving at this Time for such an Account, I can see no Ground for, because if any such Bill be brought before us, the Directors of that Company will always have Time enough to prepare and bring in the Account now moved for, between the first and second Reading of the Bill, and therefore, my Lords, ’till I see some such Bill brought into this House, I shall be against making any such Order as is now moved for.’

To this Lord *Bathurst* reply’d,

*My Lords,*

**Lord Bathurst.** ‘ When I made this Motion, I hardly expected it would have been opposed, but since I find it is like to be so, I must beg leave to give my Reasons for my Motion a little more at large. As to the Account I have now moved for, I think your Lordships have not only good Reason, but it is your Duty to call for it, whether there be any Bill relating to that Company to come before us or no. I told you, that I was the other Day so far in my Duty as to be looking over and considering the Papers upon our Table, which is a Duty I have, I must confess, too often neglected; among those Papers I found an Account of a very large Sum of Money, received by the Trustees out of the Estates of the Directors of the *South-Sea* Company in the Year 1720: Upon seeing that Account I began to examine a little further into that Affair, and I found that that Account was laid before us in pursuance of the Directions given by an Act passed in the Year 1721, by which those Trustees were appointed to give a particular Account in writing to the King, and to either House of Parliament of the Effects of their Proceedings: And by two Acts since the bringing

bringing in of that Account, I find, that the Trustees are directed to deliver over to the Directors of the *South-Sea* Company the Produce of those Estates, to be by them distributed among the Proprietors according to the Directions of those Acts.

Anno 6. Geo. II.

1733.

' Now, my Lords, I hope there is no Lord in this House who imagines that we are in any Case to see only one Side of an Account; are we, my Lords, to see People charge themselves with the Receipt of two or three Millions of Money in Trust for the Proprietors of the *South-Sea* Company, and to take no Care or Concern further about it? Surely the very Nature of the Thing requires, that we should see them discharge themselves honestly and fairly of that Money, which they have, by an Account now upon our Table, charged themselves with.

' This we have not only a Title, but we are in Duty bound to enquire into: We have, my Lords, a Right to enquire into the Management and Disposal of all publick Monies, and we are at present the more obliged to exercise this Right, because of the many enormous Frauds which have been lately discovered in the Management of the Affairs of such Companies. I do remember, my Lords, that a noble Lord, for whom I have always had a very great Esteem, said last Year in this House, most justly and most emphatically, that if we did not take Care to put a Stop to such enormous Abuses, our Credit would entirely sink among our Neighbours Abroad; Foreigners would look upon the whole Nation to be a perfect Den of Thieves. Even as to the Company now under our Consideration, there have been many and loud Complaints of Frauds and Abuses in the Management of their Affairs, which publick Complaints, if there were no other Reason, ought to be an Inducement for us to enquire into the late Management of their Affairs. Upon such Enquiry I hope these Complaints will appear to be groundless; but it is certain that the People cannot be satisfied without making a narrow Scrutiny, at least into that Part of their Affairs, which the Motion I have now made relates to. We cannot, my Lords, discharge our Duty to our Country without making such an Enquiry; and now that I have made the Motion, I hope it will be agreed to; for if it should not I dread the Consequences; the putting a Negative upon such a Question would certainly injure the publick Credit of the Nation among Foreigners; it might probably be the Cause of their drawing all their Money out of our Funds at once, which would give such a Shock both to the Trade and the Credit of this Nation that I tremble to think of it.'

Ann 6. Geo. II. Then the Earl of Scarborough spoke as follows:

1733.

Earl of Scarborough.

*My Lords,*

I am much obliged to the noble Lord who spoke last, for the good Opinion he has expressed of me. It is very true, I remember it well, that last Session of Parliament I said, upon a remarkable Occasion, that Foreigners would look upon us as a Den of Thieves, if proper Care were not taken to see the Affairs of our publick Companies more honestly managed than they have been for some Time: I am still, my Lords, of the same Opinion, and as I think there is no more effectual Way of making the Managers of such Companies honest, than that of frequent Parliamentary Enquiries into their Conduct, therefore I have always been for encouraging such Enquiries, and I shall never be against a Proposition for any such, when it is reasonably offered by any Lord in this House: But in the present Case, my Lords, the noble Lord, who made the Motion, has not only a great deal of Reason for what he proposes, but, in my Opinion, it is absolutely necessary for us to agree to the Proposition he has made; for though there were no Complaints against the late Management of that Company's Affairs, yet the Disposal of that Money, which is now moved to be enquired into, seems to have been so directly put under our Care, that we cannot in Honour shun making an exact Enquiry into it; and if there is any Reason for delaying the Enquiry, it certainly ought to come from the Trustees, or from the Directors of that Company, it cannot come properly from any Lord in this House; when such Excuse comes to be made to us, we may then judge, whether it is a good one or not; but that can be no Reason for our delaying to order the Account now moved for to be laid before us.

Then the Earl of May spoke next:

*My Lords,*

Earl of May.

It has always been my Opinion, that when any unexpected Motion is made by any Lord in this House, it ought not to be immediately debated or agreed to, the Debate ought to be adjourned, and a Day appointed for taking the Motion into Consideration, that thereby every Lord may have an Opportunity of being fully apprised of the Question about which he is to give his Opinion; for when long and complicated Motions, such as what we are now on, are made to the House, it is impossible to understand all the Parts of them, and to consider fully the Consequences with which they may be attended, without having some little Time allowed for that Purpose.

For my own Part, my Lords, I never shall be against Enquiries when there appears any Foundation for the making



ing of such: It is certain that the enquiring strictly into the Management of Affairs of any Kind, is the most proper, I may say the only Way of making the Managers diligent and faithful in the Discharge of their Duty; but as the making of no Enquiry might be attended with very bad Consequences, so the making of too frequent or groundless Enquiries might be attended with full as bad, if not worse: The making of too frequent or groundless Enquiries into the Management of our Publick Funds, would make People's Properties in such Funds so precarious, and would keep them always in so fluctuating a Condition, that no Man would like to have any Property or Share in them; and therefore, for preserving Publick Credit both at Home and Abroad, a Medium ought to be observed between the two Extremes. We are not whenever it shall please any Lord in this House to move for an Enquiry into the Affairs of any of our publick Companies, we are not, I say, my Lords, to agree immediately with the Motion: We ought first to examine whether there be any Grounds for such an Enquiry, and what may be the Consequences of it, and after the most mature Deliberation we ought then to give our Opinions, and to agree with the Motion or disagree as we see Cause. Shall we, my Lords, without any Cause or Reason for so doing, except that of its being moved for, give the Managers and Servants of a publick Company the Trouble, and put them to the Expence of attending for Months together at this House; of bringing their Books of Account, their Vouchers and other Papers before us, and thereby put a full Stop to the Business of that Company for perhaps a Quarter of a Year at a Time: Such a Piece of Complaisance is not to be expected by any Lord in this House; instead of supporting, it would most certainly ruin all Manner of publick Credit whatsoever.

As to the Enquiry now moved for, I do not know, my Lords, but that it may be necessary; I do not know but that there may be very sufficient Reasons for our calling immediately for such an Account, but I cannot so quickly determine myself either one Way or the other: It is an Affair that has so long lain over, and at the same Time it is an Affair of such Consequence, that I do not think any of your Lordships ought to determine yourselves off-hand. All those who have not before considered this Question ought to have some time allowed them for that Purpose, and therefore, my Lords, I shall move, that the Debate upon the Motion now made, by that noble Lord, may be adjourned only 'till To-morrow: This, my Lords, is to short a Delay, that I hope none of your Lordships will be against it.'

R 2

Anno 6. Geo. II.

1733.



Debt due to them by the Publick, their Stock could not be increased without increasing the Debt of the Publick, and consequently the Annuity due to them from the Publick, which could not have been done unless the whole Produce of those Estates had been paid into the Publick by Way of a new Loan, and this was no Way the Intention of that Act. In the 13th of his late Majesty the Trustees appointed by that Act, brought into this House an Account of the Produce of the Estates and Effects of the said late Directors, as by the said Act they were directed to do, and the said Mistake having been then discovered, a new Act was then made for amending the former ; but even that new Act was found not to be sufficient, and therefore a new Application was made to Parliament for an Explanation of that Act, which last Application was made only in the first Year of his present Majesty, and consequently but four Years ago ; and after that Matter was thus fully explained by Parliament, it was necessary to allow the Directors some Time to apply the said Produce, according to the Directions of the several Laws made for that Purpose. I hope they have by this Time applied it accordingly ; but it appears that the Affair is so far from having lain over, or from having been neglected by your Lordships, that I do not see how we could have called for this Account sooner.

‘ This Affair therefore cannot but be fresh in every Lord’s Memory, and the Motion now made seems to me to be a Motion of Course ; for by the Act of the 7th of the late King, the Trustees were directed to lay before your Lordships an Account of the Produce of those forfeited Estates ; they accordingly did so ; but, I hope, my Lords, it is not to be imagined that your Lordships are to go no further : Are not you in Consequence to see that this Produce has been duly and regularly applied, and actually distributed among the Proprietors of that Company, according to the Directions of the Acts of the 13th of his late Majesty, and the first of his present Majesty ? The Thing is in itself so clear, that I wonder to hear any Lord ask for Time to consider of it. Are we, my Lords, to ask for Time to consider whether we shall do that which was certainly intended by those Laws we should do ? It is no Enquiry into the Affairs of the *South-Sea* Company ; it is only calling for an Account of Discharge, to answer that Account of Charge which is now upon our Table.

‘ In Matters of Importance and Intricacy I shall always be for proceeding with Deliberation, and for taking Time to consider before we come to any Resolution ; but, my Lords, to deliberate upon, and to take Time to consider about an Affair which all the World must see is an Affair of Course,

Course, is inconsistent with the Honour and the Dignity of Anno 6. Geo. II.  
this House, and therefore I shall be against taking any Time  
to consider of this Motion, or adjourning the Debate for  
that Purpose.

1733.

The Earl of *Illy* spoke next as follows :

*My Lords,*

Earl of *Illy*.

I now find that those Lords, who at present seem to be of the other Side of the Question, have considered this Affair before this Motion was made : They have mentioned several Laws relating to it, and seem to be so well acquainted with the several Clauses of them, that I must beg Leave to think, that they have lately had this Affair under their Consideration, and have perused the several Laws they have now mentioned. Now, my Lords, as I have not lately considered any of those Laws, as I never have considered them with a View to the Question now before us, therefore I desire only till To-morrow to look over those Acts of Parliament which have been mentioned, that I may be upon an equal Footing with those Lords who seem to be for agreeing with this Motion. I have a very great Regard for their Opinion, and it is very probable that I shall To-morrow be of the same Opinion with them ; but in all Matters of Importance every Lord ought to examine by himself the Affair about which he is to give his Opinion, and after he has fully satisfied himself about the Affair in Hand, he ought then to vote for that which appears to him to be right : This is the Method, my Lords, which I shall always observe ; and when any Thing comes before this House, that I am not fully satisfied about, I shall never be ashamed to ask some short Delay, that I may have Time to examine the Affair to the Bottom, before I give my Opinion either upon one Side of the Question or the other.

As I have said, my Lords, I shall never be against any Enquiries of this Nature, when I can see but the least Ground for them at the Time they are proposed ; but if such Enquiries be precipitantly gone into, I do not know where they may end, I do not know what fatal Consequences may be thereby produced. There are in this Nation, my Lords, several other Companies, besides the *South-Sea* Company ; we have likewise an *East-India* Company ; and it is well known that that Company has been, for these twenty Years, represented by some People as a Bankrupt Company, yet I believe they always have been, and are still in very good Circumstances. There have likewise been great Complaints, and many Insinuations thrown out against the Management of the Bank : Surely, my Lords, we are not, upon every Suggestion within Doors, or upon every idle and groundless Clamour without Doors, to expose the  
Trade

Anno 6. Geo. II. 1733. Trade and Credit of any one of our great Companies to the whole World. Such a Manner of Proceeding might expose both the Trade and the Credit of every one of our Companies to innumerable Difficulties and Dangers. In all trading Companies, as well as in the Trade of private Men, there are some Transactions which, tho' exactly honest and just, ought not to be exposed to publick View, because Strangers might thereby be let into the Mysteries of their Trade, by which they would be enabled to undermine them, and to disappoint even their best-concerted Projects; for which Reason, my Lords, I shall always be of Opinion, that no such Enquiry ought to be set on Foot, without some more solid Foundation than that of an idle Clamour: No such Enquiry ought ever to be resolved on by this House without the most mature Deliberation.'

Lord Carteret.

Then Lord Carteret spoke thus :

*My Lords,*

'What is now moved for is no Enquiry; it has already been so fully explained, that it cannot in any Sense be taken to be an Enquiry into the Affairs of that Company. But, my Lords, if an Enquiry had been moved for, I should have asked for no Time to consider whether or no I ought to have agreed to it. The Complaints and the Clamours against the late Management of the Affairs of that Company, have been so loud and so general, that I think we are, in Justice to the Nation, in Justice even to the Gentlemen who have been concerned in the Management of that Company's Affairs, obliged to enquire into their Affairs: If upon such Enquiry it comes out, as I hope it will, that their Affairs have been honestly and carefully managed, it will be a Vindication of the Characters of those Gentlemen who have been concerned; and if the contrary should appear, the sooner we go into that Enquiry, the more speedy Justice will be done to the Injured, and many evil Consequences may be prevented. Why should we, my Lords, shew such a Tenderness, and such a Concern for the Characters of some Gentlemen? Why should we be so cautious of making any Enquiry into their Management? I must think that we thereby do them no great Honour; it betokens a Jealousy, that the Enquiry will explain and confirm what has been so generally surmised.

'The late Clamours against the Management of that Company's Affairs are no idle Clamours: They seem to be better founded than I could wish. Do not we all know, my Lords, is it not publicly and certainly known, that the Proprietors of that Company have had lately above Six *per Cent* of their Capital annihilated for the Payment of a Part only of their Debts? Could it have been imagined, that that Company



Company had so much Debt, more than their Money and Effects in Trade could have answered? It can hardly be thought, that that Debt has been all contracted since the Year 1721; and if it was contracted before that Time, it was a Crime to conceal it from Parliament; for if it had then been known, the Parliament would certainly have expressly ordered the Produce of the Directors Estates, as well as the Stock then undisposed of, to have been applied towards Payment of the Debts of the Company, instead of ordering them to be divided among the Proprietors. This was the only proper Way of applying both, in case the Company had any Debt at that Time: And if the Debt has been all contracted since that Time, the publick is entitled, and we have Reason, to enquire how it came to be so. The Debts of every one of our Companies ought to be publickly known. Do not we know that their Debt is by Law a Mortgage upon their Stock, and the concealing of that Debt is a Fraud upon every ignorant Person who becomes a Purchaser after the contracting of their Debt? It is as much a Fraud upon such a Purchaser, as it would be to sell a mortgaged Estate, without acquainting the Purchaser that there was such a Mortgage upon it.

As to the *East-India* Company, my Lords, I wish an Enquiry had been made into their Affairs when they last applied to this House for a Prolongation of their Term: It was then that we ought to have made an Enquiry; it is true, we then neglected it, but I hope such an Enquiry was made by those concerned in the Administration; it was their Duty to do so before they agreed to the Bargain that was then made with the Directors of that Company; if they did not, I shall always look upon such a Neglect in them as a Crime of a very high Nature. I can see no evil Consequence of letting, at least, the general Circumstances of a Company be publickly known: I am sure, that as to the *East-India* Company, it would have prevented some very odd Practices which have been lately made use of: The Directors, or perhaps some few of the Directors of that Company, were probably the only Persons that were, for half a Year together, in the Secret of that Company's not being in a Condition to continue their former Dividend; such a Secret was sufficient for any Man, or for any small Number of Men to plunder their Fellow-Subjects at Pleasure, and to make to themselves what Estates they had a Mind. We know that there were but a few Men in this Secret, and that at a Time when the World generally believed, when Methods were actually taken to make all Mankind believe, that that Company was in the most flourishing State, and that they would have been able to have continued their Dividend of 8 per Cent. for many



Annæ 6. Geo. II.  
1733.

Years. By these Methods, My Lords, we saw how that Stock was run up to a very high Price ; we saw how it fell down again almost 50 *per Cent.* in three Months Time, by which Management we may believe that Millions were lost and won ; we may judge who were the Winners ; they perhaps were but few in Number, but we may certainly conclude, that many innocent Persons were thereby undone. And while such Practices are so publickly and so openly carried on, shall we sit in this House and see them pass unpunished ? But, my Lords, this is not the Question now before us : The Question now before us is, whether or no we shall call for an Account of Discharge as to a particular Affair, in order to answer the Account of Charge, which was some Years ago laid upon our Table in pursuance of an Act of Parliament : Surely this is a Question that requires no Time to consider of, and therefore I shall be against Adjourning the Debate.

Ld. Falmouth.

Lord Falmouth spoke next :

*My Lords,*

‘ I am, inclined to be for adjourning the Debate ’till To-morrow, but when I tell your Lordships my Reason, I hope you will not think that I am against any Enquiry into the Affairs of the *South-Sea Company* ; for I am so much convinced of the Necessity and Benefit of such Enquiries, and of the Propriety of the Motion now made to us, that, I hope, no Lord in this House will, after due Consideration, be against it ; and therefore I wish it were put off ’till To-morrow in order that it may then be unanimously agreed to.

E. of Winchelsea.  
E. of Strafford.

The Directors of the S. Sea Company ordered to lay their Accounts before the House.

The Earl of *Winchelsea*, and the Earl of *Strafford* spoke for the Motion, and against adjourning. At last the Question for adjourning the Debate ’till next Day was put, and it passed in the Negative 35 against 31 ; after which the Question was put, to agree to the Motion, which was carried in the Affirmative without any Division ; and accordingly the Directors of the *South-Sea Company* were ordered to lay the said Account before the House.

The following Lords voted upon this Question,

*For.*

*For the Motion.*

DUKES. Bolton, Bridgewater, Kent, Montrose,  
*St. Albans*

MARQUIS. Tweeddale

EARLS. Berkshire, Buchan, Chesterfield, Coventry, Fitzwaller, Ker, Macclesfield, Marchmont, Northampton, Pomfret, Rothes, Scarborough, Skelton, Stair, Strafford, Thanet, Warrington.

VISCOUNTS. Cobham, Falmouth, Tadcaster.  
Barons.

Names of the Lords, who voted for the Motion.

**B A R O N S.** *Bathurst, Bruce, Carteret, Clinton, Anno 6. Geo. II.*  
*Cornwallis, Foley, Gower, Haverham.* 1733.  
**B I S H O P.** *Lincoln. (a)*

*Against the Motion.*

**D U K E S.** *Ancaſter, Devonſhire, Newcaſtle, Rut-* And of thoſe a-  
*land.* gainſt it.  
**E A R L S.** *Albemarle, Aſhburnham, Cowper, Crav-*  
*ford, Dunmore, Hallifax, Jerſey, Ilay, Morton, Sel-*  
*kirk, Wilmington.*  
**V I S C O U N T S.** *Lonsdale, Torrington.*  
**B A R O N S.** *Abergavenny, Byron, De la War,*  
*Harrington, Hobart, Lovel, Lynn, Walpole.*  
**B I S H O P S.** *London, (b) and five Biſhops more.*

‘ This Account was accordingly brought in, and ordered to be taken into Conſideration on the 24th of May. On that Day, as ſoon as the Order was read, the Lord Bathuſt ſtood up to ſpeak, but the Duke of Newcaſtle ſtanding up about the ſame Time, the Lord Chancellor pointed to the Duke of Newcaſtle, and the Lord Bathuſt not offering to fit down, Lord Carteret ſtood up, and ſaid, That if there was any Diſpute which Lord was to ſpeak, the Lord Chancellor was not to determine the Queſtion, but the Opinion of the Houſe was to be aſked upon it; That for his Part he was ſure the noble Lord by him was up ſome Time before the noble Duke.

The ſaid Accounts taken into Conſideration, Debate thereon.  
 L. Carteret.

Then the Lord Bathuſt ſtood up and ſaid:

Ld. Bathuſt.

*My Lords,*

deſire to ſpeak to Order. When any Lord makes a Motion upon which there follows any Order or Reſolution of this Houſe, and a Day is appointed for taking that Order or Reſolution into Conſideration, it has always been the Cuſtom of this Houſe, out of Complaiſance to the Lord who made the Motion, to hear him firſt; becauſe it is to be expected that he has ſomething to ſay, or ſome farther Motion to make in Conſequence, or in Explanation of the Motion he had before made; therefore, my Lords, as I had the Honour to move for the Account you are now to take under your Conſideration, I think I have now a Title to be firſt heard, even tho’ I had not been firſt up.’

*Upon this the Duke of Newcaſtle ſate down, and then the Lord Bathuſt went on as follows:*

‘ I had, my Lords, the Honour to move for the Account now before us, and your Lordſhips were ſo good as to comply with my Deſire. The Intention of my Motion was,

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that your Lordships might see that the Produce of the Directors Estates in the Year 1720, had been regularly and fairly applied; according to the Directions of the several Laws made for that Purpose; and from the Account brought in, and now under our Consideration, I think, it most plainly appears, that not so much as one Shilling of that Money has been so applied. To me it appears from that Account that the large Sum of Money, arising from these forfeited Estates, had been all distributed among the Proprietors by Way of Dividend, even before the Application was made to Parliament in the 13th Year of his late Majesty's Reign for Directions how to apply it; and therefore, my Lords, I must take the Liberty to move to your Lordships, that it may be resolved, That the disposing of any of that Money by way of Dividend, and without any Order or Direction of a general Court for that Purpose, was a Violation of the Act of Parliament made for directing the Disposal thereof, and a manifest Injustice done to the Proprietors of that Stock.

D. of Newcastle. Then the Duke of Newcastle spoke :

*My Lords,*

' It is my Opinion that a narrow Scrutiny into the Affair now before us is absolutely necessary : This, my Lords, I am now so firmly persuaded of, especially since the bringing in the Account now under our Consideration, that no Man can be more heartily inclined to enter into such Scrutiny than I am ; but this Account, which the present Directors have laid before us is so confused, and so obscure, that, to me, it is altogether unintelligible : I do believe there is not a Lord in this House who will say that he thoroughly understands it ; and therefore, I do not think that it can be a proper Foundation for the Motion the noble Lord has been pleased to make, or for any other Motion. An Enquiry into the Disposal of the Produce of the forfeited Estates of the Directors in the Year 1720, is certainly a very proper Enquiry for this House ; but then, my Lords, for the Honour and Dignity of the House, we ought not to proceed upon any such Enquiry 'till we have all proper Materials before us ; and therefore, I hope your Lordships will agree with me in the Motion I am to make before you proceed any further in this Affair.

' The present Directors of that Company have indeed given us an Account, but that Account is so imperfect and so indistinct, that it cannot be looked on as any sort of Compliance with your Lordships late Order. What may have been their Reasons for giving us such an Account I shall not determine, but if it was either to conceal the Crimes of the Guilty, or to load the Innocent with Jealousies and Suspicions, I hope, in either Case, your Lordships will enforce  
your

your own Orders, and oblige them to clear up what appears to be obscure in the Account they have already given in. It is incumbent upon us, my Lords, always to see our own Orders punctually obeyed, but especially when they relate to the discovering of those that are guilty, or to the Vindication of those that are unjustly suspected of Crimes: This surely is the next Step your Lordships ought to take in this Affair; and therefore I shall move, That the present Directors of that Company may be ordered to lay before this House, a farther and more distinct Account how that Money has been disposed of.

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The Earl of Chesterfield spoke next :

*My Lords,*

E. of Chester-  
field.

' I am glad to see the Effect that the bringing in of this Account, obscure as it is, has produced. I find that some Lords, who at first seemed to want no Information in this Affair, who at first appeared to be against any such Enquiry, are now for making a thorough Enquiry into that whole Affair, and are for having a full Information of every particular Circumstance relating to the Disposal of that Money. I am, my Lords, of the same Opinion, and therefore I look upon the Motion made by the noble Duke to be a very proper Motion: I shall most heartily join with him in that Motion; but then, my Lords, I think it is Time enough to come to that Motion after the Motion made by the noble Lord is agreed to; the noble Duke's Motion ought to be the concluding Motion of this Day. The Account laid before us is, it is true, obscure and indistinct, but let us make as much of it as we can before we ask for any further Account. Even this obscure Account is sufficient to raise a Suspicion in every Lord of this House, that the Produce of those Directors Estates has not been disposed of, according to the Directions of the Act of Parliament made for that Purpose; and therefore I must think, that we have from thence sufficient Ground for the Resolution first moved for: We may then examine this Account a little farther, and at last we may come to the Motion made by the noble Duke, and may then give such particular Orders and Directions, relating to the several Articles which we want to have cleared up, that the present Directors may know how, and will be necessarily obliged to lay a clear and distinct Account of that whole Affair before us, if any such can be had. I shall therefore be for the Motion made by the noble Lord, and at last I will join with the noble Duke in the Motion he has made.'

The

Anno 6. Geo. II.

1733.

Earl of [Scarbo-  
rough.

The Earl of Scarborough spoke thus :

*My Lords,*

‘ As to the Motion made by the noble Duke, I shall join in it with all my Heart, as soon as I think it is proper for us to come to such a Motion, or to make such an Order. I do no doubt but that the noble Duke who made the Motion is most zealous in the Affair now before us ; his Grace has declared so, and therefore I make no manner of Doubt of it, because I am fully convinced of the Honour and Integrity of that noble Duke ; he never did profess any Thing but what were his real Sentiments, and I am persuaded the Motion he has made proceeds from a sincere and an ardent Desire of coming at the Bottom of the Affair now before us. I am always sorry when I differ in the least from him ; but in the present Case my Opinion happens to be different ; I do not think that what he proposes ought to be the first Step we are next to take in the Affair before us. As to this, my Lords, I am at present of a different Opinion, and tho’ I may, and shall always be ready to change my Opinion upon a better Information ; yet my Opinion, while it is my Opinion, I will not give up even to him for whom I have the greatest Regard and Esteem.

‘ As we have, my Lords, already an Account before us, it is my Opinion, that we ought to examine that Account before we order any farther Account to be laid before us. If there is any Thing obscure in the Account we now have before us, the Gentleman who signs it is attending at the Door ; and if your Lordships call him in, and examine him, he may perhaps be able to give you a farther Light into the Matter in Hand ; he may be able to explain all or most of the Articles that appear to be obscure in the Account now under your Consideration ; and if, at last, there shall remain an Obscurity in the Account before you, your Lordships may then make a new Order for the Directors to bring in a farther, a more clear and distinct Account : You will then, and not till then, be able to give such particular Orders as to the several Articles that remain obscure, as cannot be misunderstood by the Directors. We have, my Lords, by our former Order called for an Account how that Money was disposed of ; and if we should only renew that Order without adding some new and particular Directions, the second Account may, and probably will be more obscure than the first ; and therefore, my Lords, that we may be able to give such particular Directions as may be easily understood by the Directors, I must move for calling in Mr. De Goff, and examining him as to the several Articles of this Account.’

The



The Duke of *Newcastle* got up again, and thanked the *Anno 6. Geo. II.*  
 the noble Lord who had spoke last for the good Opinion he  
 had exprest of him, ' That noble Lord (says his Grace) *1733.*  
 cannot have a better Opinion of me than I have of him :  
 There is no Man more fully convinced of that noble Lord's  
 Honour and Sincerity than I am, because there is no Man,  
 I believe, knows him better.'

Then Lord *Carteret* stood up and spoke to this Effect :

*My Lords,*

Lord *Carteret.*

' I shall readily join with the noble Duke in the Motion he has made, as soon as it is proper for this House to go upon that Motion. It must be confessed, that the Account now before us is a very imperfect and indistinct Account ; whether this be the Effect of Neglect or Design I shall not determine, but I must say, my Lords, wherever I see an Obscurity in Accounts I am apt to suspect some indirect Practices ; however, notwithstanding the Obscurity of the Account now under our Consideration as to some other Parts, it cannot be said that it is obscure as to that Part to which the Motion made by the noble Lord refers. It must be granted, it has not I think been so much as denied by any Lord in this House, but that the disposing of that Money by way of Dividend among the Proprietors, without any Orders or Directions of a general Court for that Purpose, was a Violation of the Act of Parliament, and a manifest Injustice done to the Company : And it is plain that, in the Account now before us, there does not appear any Order or Direction for the Disposal of that Money : There appears to us nothing but an Order for the Trustees to deliver that Money over to the Directors ; and for this Reason we ought now to declare our Opinion as to this Matter, that the present Directors, in the making up of a new Account, may be sufficiently instructed as to that Article, and that they may be directed to report clearly to us, whether or no there was any Order of a general Court for the Disposal of that Money ; if there was any proper Order for that Purpose, our coming to a Resolution, according to the noble Lord's Motion, can affect no Man ; and if there never was any such Order, those who disposed of that Money otherwise, do deserve, and, I hope, will meet with a much higher Censure.

' For the Sake of the Honour and Dignity of this House we ought, my Lords, immediately to come to some very strong Resolutions in the Affair now before us ; the giving in of such an Account seems to be a trifling with this House, and if your Lordships now refuse, or even delay doing any thing further in this Affair 'till you have a new Account given in, it will be thought to be a throwing of cold Water  
 upon

Anno 6. Geo. II. upon the Enquiry now before us. Your Lordships may declare what you please as to your Willingness to enter upon an Enquiry into this Affair, but the putting it off without coming to any Resolution 'till you have a new Account from the Directors, will without Doors be looked on as a Waving of the Enquiry proposed ; and this Opinion will the more readily, and the more generally prevail, because it is now so near the End of the Session, that this new Account can hardly be expected to be brought in during this Session of Parliament.

1733.

' By the Account now before us it appears, that upwards of 2,000,000 l. Sterling Money was paid and delivered by the Trustees to the Directors of that Company in the Year 1729, and it likewise appears, that it was never brought to the Company's Account 'till the Year 1732. For God's-Sake, my Lords, what became of that great Sum of Money during that long Interval, the very Interest of it in that Time amounts to above 100,000 l. which is a Sum, that Company itself would certainly have looked after, if they had not been either very negligent of their own Affairs, or under an Influence to which I shall not give the Name it deserves ; but whatever may be the Case as to the Company, we ought to consider the Widows and the fatherless Infants who have no Vote at their general Courts, and for the Sake of those we ought to enquire what became of this Money for so considerable a Time : As to this and all the other Articles of this Account, the Gentleman who signs it, and who is now attending at our Door, can without doubt fully inform us, and therefore, I shall join with the noble Lord by me, in the Motion he has made for having him called in and examined.'

Earl of Hay.

The Earl of Hay spoke next as follows :

*My Lords,*

' Since your Lordships seem to be all of Opinion, that the Account laid before us by the present Directors of the *South-Sea Company*, in pursuance of our late Order, is a very indistinct Account, I think the first Thing you ought to do is to see your Order as fully complied with as possible. By your Lordships former Order, the Directors were ordered to lay before you all the Orders of General Courts made for directing the Disposal of that Money, and I find they have given us no Account of any Order relating to that Affair, but of one only, which, for what I know, may be all the Orders they have to shew ; but they ought, at least, to have told us so : If there is any other Order relating to the Disposal of that Money, it ought to be laid before us, and if there are none other, we ought certainly to be assured of it in a proper Way, before we proceed any further in this Affair

Affair : 'Till we have from the Directors all the Information we can possibly get, it will be irregular to come to any Resolution, or to call any Witness to be examined at the Bar ; and in every Affair that comes before this House, I hope your Lordships will always be careful of doing nothing but what is regular and just, without any Regard to what may be said without Doors.

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' From the Account before us, it indeed appears, that the Money was paid in by the Trustees to the Directors in the Year 1729, and that it was not brought to the Company's Account 'till the Year 1732 ; and I do not know but that Mr. *De Gols*, who signs this Account, and who is now attending at your Door, may be able to inform you as to what became of that Money in the interim. But, my Lords, it is not from Mr. *De Gols* that we want an Account, it is from the Directors of that Company that we ought to be informed of all these Matters ; and after the Directors have told us, that they can give us no further Information, we may then examine them, we may examine their Servants, we may examine whatever Witnesses we think proper, at the Bar of this House, as to the Truth of the several Articles of the Accounts given in by the Directors, and likewise as to the clearing up and explaining such Articles as may, at last, remain obscure.

' As to any Lord's having at first appeared against calling for the Account now under our Consideration, I do not know that any Lord did appear against it : When the first Motion was made relating to this Affair, it appeared to be a Motion of such Consequence, that several Lords were desirous of some Time to consider of it, but it is not from thence to be inferred, that they were against calling for any such Account : They desired only till next Day to consider of it : their asking for such a short Time was a Proof of their not being against it, and if they had got that Time, they would, I believe, have been as much for it as those Lords were who had considered of the Affair before the Motion was made. The Event, my Lords, shews, that they were in the Right in asking for some Time to consider it, for if the Affair had been better considered at first, our Order would perhaps have been made more particular, and then the Return to it would, in all Probability, have been more distinct and clear : We should then have been able to have proceeded without any Loss of Time, but as the Case now stands, I think, it would be very irregular to proceed to the making of Resolutions, or to examine Witnesses, 'till we have the Matter further cleared up ; and therefore I shall be for putting the previous Question as to the Motion made by

Anno 6. Geo. II. the noble Lord, and if that passes in the Negative, as I  
 1733. hope it will, I shall be for agreeing with the Motion made  
 by the noble Duke.

The Duke of *Montrose*, the Marquis of *Tweeddale*, the  
 D. of *Montrose*. Earl of *Winchelsea*, and the Earl of *Marchmont*, spoke for  
 M. of *Tweeddale*. calling in Mr. *De Gols*; and the Earl of *Chelmondeley*, the  
 E. of *Winchelsea*. Lord *De la War*, the Lord *Lovel*, the Lord *King*, and the  
 E. of *Marchmont*. Bishop of *Bangor*, spoke against it. The previous Question  
 E. of *Chelmondeley*. was then going to be put as to Lord *Bathurst's* Motion, but  
 Ld. *De la War*. the Lord *Carteret* got up, and spoke to Order; That as Mr.  
 Ld. *Lovel*. *De Gols* was then attending at the Door by virtue of their  
 Lord *King*. Lordships Order, and a noble Lord having moved for cal-  
 Bp. of *Bangor*. ling him in, he thought, that according to the Rules of Pro-  
 Ld. *Carteret*. ceeding in that House, the Question that ought to be first  
 put was, Whether or no Mr. *De Gols* should be called in? And that it was certainly proper he should be examined be-  
 fore they proceeded even to make an Order for bringing in  
 a further Account, for that they would thereby be enabled  
 to give much more particular and distinct Directions, how  
 that further Account should be framed, than they could o-  
 therways do: That if they went upon issuing out a new Or-  
 der before they examined that Gentleman, the same Thing  
 might happen, which a noble Lord seemed to think had be-  
 fore happened by their making the first Order in that Affair,  
 without taking Time to consider of it; the Directors would  
 no more understand their second Order, than they had un-  
 derstood the first; and thus (says his Lordship) we shall  
 have a second Return as indistinct and as obscure as the first.

In this Question as to Order, the Lord *Carteret's* Opinion  
 E. of *Winchelsea*. was supported by the Earl of *Winchelsea* and the Lord  
 Ld. *Bathurst*. *Bathurst*; and it was opposed by the Duke of *Newcastle*,  
 D. of *Newcastle*. the Earl of *Illy*, and the Lord *De la War*. Then the Earl  
 E. of *Illy*. of *Stratford* stood up, and said, That for avoiding the Dis-  
 Ld. *De la War*. pute about Order, he would be for putting the previous  
 E. of *Stratford*. Question as to the Motion made by the noble Lord, and  
 thereupon he would give his Negative, as he would likewise  
 do upon the previous Question as to the Motion made by the  
 noble Duke, in Order to come at the Motion made for cal-  
 ling in Mr. *De Gols*, which he would certainly agree to.  
 After him the Marquis of *Tweeddale* stood up and said:

My Lords,

I am of the same Opinion with the noble Lord who  
 spoke last; I think that what his Lordship has proposed is a  
 most proper Method for avoiding all Disputes about Order;  
 and as I am for calling in Mr. *De Gols*, and examining him  
 before every Thing else; therefore, if you put the previous  
 Question as to the first Motion that was made, I hope it will  
 pass in the Negative; then, my Lords, we may regularly,  
 and

and without any Dispute as to Order, put the previous Anno 6. Geo. II. Question as to the Motion made by the noble Duke; to that Question I shall likewise give my Negative, and I hope all the Lords who are for having Mr. *De Gols* called in and examined, will do the same, that so it may likewise pass in the Negative; and thus both the first Motions being postponed, we come next of Course to the third Motion, which was that for calling in Mr. *De Gols*, to which I shall most heartily give my Affirmative.

Hereupon the previous Question was put as to the Motion made by the Lord *Bathurst*, which pass'd in the Negative without any Division. Then the previous Question was put upon the Motion made by the Duke of *Newcastle*, upon which the House divided. As this Division was a very remarkable one, we shall give a List of the Lords who were present, and voted in this Question.

The Lords who upon this previous Question voted in the Negative, and were consequently for the calling in of Mr. *De Gols* were

D U K E S. *Somerset, St. Albans, Bolton, Bedford, Montrose, Kent, Greenwich, Manchester, Bridgewater.* Names of the Lords who voted for the calling in of Mr. *De Gols*.

M A R Q U I S. *Tweedale.*

E A R L S. *Northampton, Denbigh, Berkshire, Winchelsea, Chesterfield, Thanet, Sunderland, Shaftsbury, Litchfield, Gainborough, Scarborough, Coventry, Rotbes, Buchan, Marchmont, Strafford, Stair, Fitzwallter, Oxford, Harborough, Macclesfield, Pomfret, Ker.*

V I S C O U N T S. *Tadcaster, Cobham, Falmouth.*

B A R O N S. *Clinton, Bruce, Craven, Carteret, Weston, Haverham, Gower, Masbam, Foley, Bathurst, Cornwallis.*

B I S H O P. *Lincoln.*

Present 48

Proxies 27

75

The Lords who upon this previous Question voted in the Affirmative, and consequently against the then calling in of Mr. *De Gols*, were

D U K E S. *Montague (a), Ancafter, Grafton (b), Devonshire (c), Newcastle (d), Chandois, Dorset (e).* Names of those against it.

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T 2

E A R L S.

(a) Master of the great Wardrobe. (b) Lord Chamberlain. (c) Lord Steward. (d) Secretary of State. (e) Lord Lieutenant of Ireland.



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**E A R L S**, *Pembroke* (f), *Warwick*, *Clarendon*, *Albemarle* (g), *Jersey*, *Godolphin* (h), *Cbolmondeley* (i), *Crawford* (k), *Moreton* (l), *Selkirk* (m), *Dunmore* (n), *Orkney* (o), *Ilay* (p), *Tankerville* (q), *Halifax* (r), *Cowper* (s), *Abburnham* (t), *Effingham* (u), *Wilmington* (w).

**V I S C O U N T S**. *Lonsdale* (x), *Lymington* (y), *Torrington* (z).

**B A R O N S**. *Harrington* (aa), *Abergavenny*, *De la War* (bb), *Lovelace*, *Byron*, *Lynn* (cc), *Cadogan* (dd), *Walpole* (ee), *Monson*, *Lovel*, *King* (ff).

**B I S H O P S**. *London* (gg), *Durham* (hh), *Winchester* (ii), *Salisbury* (kk), *St. David's* (ll), *Bangor* (mm), *Exeter* (nn), *Llandaff* (oo), *Cbichester* (pp), *Oxford* (qq), *Bristol* (rr), *Norwich* (ss), *Litchfield and Coventry* (tt), *Ely* (uu), *Rochester* (ww), *St. Asaph* (xx), *Bath and Wells* (yy).

Present 57

Proxies ( of whom six were Bishops ) 18

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75

By the Rules of Proceeding in the House of Lords, nothing new can be resolved on unless a Majority be for it; so that when a Motion is made in that House for reversing a Decree, for bringing in or passing a Bill, or for an Amendment to a Bill then before them, there must be a Majority for it, otherwise, if there be only an Equality upon the Division, the Decree stands affirmed, the Bill or the Amendment is thrown out; and so, when a Motion for a Resolution or Order is made, there must be a Majority for it; if upon a Division there be an Equality, the Motion is of

(f) Captain of a Troop of Guards, and Lord of the Bed-Chamber. (g) Captain of a Troop of Guards, and Lord of the Bed-Chamber. (h) Groom of the Stole. (i) Master of the Horse to the Prince. (k) Captain of Dragoons. (l) Vice-Admiral of Scotland. (m) Lord of the Bed-Chamber. (n) Colonel of a Regiment of Guards. (o) Colonel of a Regiment, and Governor of Virginia and Edinburgh-Castle. (p) Lord Justiciary and Privy-Seal of Scotland. (q) Lord of the Bed-Chamber, and since made Master of the Buck-Hounds. (r) Auditor of the Exchequer. (s) Lord of the Bed-Chamber. (t) Lord of the Bed-Chamber. (u) Colonel of a Regiment, and Deputy Earl Marshal. (v) Lord President of the Council. (x) Lord Privy-Seal. (y) Lord Justice in Eyre. (z) Treasurer of the Navy. (aa) Secretary of State. (bb) Treasurer of the Household. (cc) Master of the Jewel-Office. (dd) Colonel of a Regiment. (ee) Clerk of the Pells. (ff) Lord Chancellor. (gg) Dr. Gibson. (hh) Dr. Chandler. (ii) Dr. Willis. (jj) Dr. Headley. (ll) Dr. Clagget. (mm) Dr. Sherlock. (nn) Dr. W. H. (oo) Dr. Harris. (pp) Dr. Hare. (qq) Dr. Potter. (rr) Dr. Cecil. (ss) Dr. Butts. (tt) Dr. Smalbroke. (uu) Dr. Green. (ww) Dr. Wilcox. (xx) Dr. Tanner. (yy) Dr. Wynne.

of Consequence disagreed to, that is, the Question passes in Anno 6. Geo. II. the Negative. Thus in the present Case, the previous Question being, whether the Question should be then put upon the Motion made by the Duke of Newcastle? and there being exactly as many against putting the Question upon that Motion, as there were for it, therefore the previous Question was carried in the Negative, and so the House came of Course to putting the Question upon the Motion made by the Earl of Scarborough, for the calling in of Mr. De Gols. 1733.

Accordingly the Earl stood up and renewed his Motion, whereupon the Duke of Newcastle got up and moved, that the previous Question might likewise be put as to that Motion. D. of Newcastle.

Upon this the Earl of Strafford stood up and spoke thus : E. of Strafford,  
My Lords,

For God's Sake do not let us put a previous Question as to this Motion. Mr. De Gols was ordered to attend this Day : What was he ordered to attend for ? Surely it was to be examined in case we found any Difficulty in the Account now under our Consideration ; and every Lord in the House, I think, confesses that he finds Difficulty in this Account : It has been allowed by every Lord that has spoke in this Debate, to be very confused and obscure. It will really look very odd, to refuse examining that Gentlemen as to what appears difficult or obscure in the Account before you, since he is attending for that Purpose by virtue of an Order of the House. We may pretend what we please, but no Man will think that we are in earnest in what we are now about, if the calling in and examining of this Gentleman should be put off.

Several other Lords spoke to the same Purpose, upon which the Duke dropped his Motion, tho', if the previous Question had been put, and every Lord had voted and given his Proxies as in the former Division, it is certain there would have been an Equality, by which the calling in or examining of Mr. De Gols would, by the Rules of that House before-mentioned, have been put off. The Motion as to the previous Question being thus dropped, the Question was put for the calling in of Mr. De Gols, which was carried without any Division, and he was accordingly called in and examined, but did not give any great Satisfaction as to the clearing up of the Account. After he was withdrawn, the Lord Bathurst renewed his Motion, whereupon the Earl of Scarborough rose up and spoke as follows :

My Lords,

I must be of Opinion, that as this Motion tends towards the charging of some Gentlemen with very gross Mismanagement, and with acting contrary to an express Act of Parliament, E. of Scarbo-rough.

Anno 6. Geo. II. Parliament, we ought to proceed with the utmost Caution :  
 1733.

And as I really think that we have not, as yet, sufficient Ground for supporting such a Resolution, therefore I cannot now agree to it. Our coming immediately to such a Resolution can do no manner of Service, either to the Publick or to any private Person, and it may do Harm to some Gentlemen, who, for what we can yet pretend to know, are innocent ; but that we may search this Affair to the Bottom, that we may have all the Insight into it that is possible, and that we may discover and punish the Guilty if any there be, I will now join with the noble Duke in the Motion he made ; and I hope in forming that Order your Lordships will give such Directions, as may not only enable but oblige the Directors of that Company to give us a full, clear, and distinct Account of that whole Affair, if any such Account can be had. When that Account comes in, and when we are told no such Account can be had, we may then consider the Motion made by the noble Lord, and may come to that Resolution, or to such other Resolutions as we shall then think proper.

Then the Duke of *Argyle* spoke as follows ;

D, of *Argyle*.

*My Lords,*

‘ In all Enquiries of this Nature, we ought to proceed with Zeal but not with Fury. I hope, my Lords, I am as zealous for enquiring thoroughly into the Matter now before us, as any of your Lordships ought to be. For this Reason I was for postponing the Motion made by the noble Duke, in order to have Mr. *De Gels* examined : I did indeed expect that he would have explained to your Lordships most of the Articles of the Account before us, which appear to be obscure and unintelligible ; but I find I am disappointed : I believe your Lordships have receiv’d no great Satisfaction from him ; for to me he seemed to be ignorant almost of every Thing ; he could not so much as give a clear and distinct Answer to any one Question that was put to him, which, I must say, is to me very surprizing : I did think it almost impossible that a Man who had been so long in such a high Post in that Company’s Service, could be so ignorant of their Affairs as this Man appears to be.

‘ However, my Lords, notwithstanding the little Success we have met with in the Examination of this Gentleman, I hope we shall fall upon Ways and Means for bringing this Matter to Light ; but ’till we have some further Information about it, I do not think we have a Foundation for the Resolution which the noble Lord has been pleas’d to move for : Our proceeding so hastily to such a Resolution would really be a going on with Fury, instead of going on with that just Zeal, which we ought to shew upon all such Occasions : and I am perswaded, if this Affair were to be left to the single Determination of the noble Lord who made the Motion,

Motion, he would not upon reconsidering the Case, come to such a Determination as he has now moved for, without inquiring farther into the Matter ; therefore I hope the noble Lord will for the present wave his Motion, that the same may be again revived, after we have got a more full and distinct Information about this Affair'.

Anno 8. Geo. III.  
1733.

Hereupon the Lord *Bathurst* agreed to wave his Motion for that Time, and afterwards the House ordered the present Directors, and also the last Directors of the *South-Sea* Company to attend to be examined, and likewise the late Inspectors of that Company's Accounts.

The S. Sea Directors, &c. ordered'd to attend.

On the 30th of May, a Bill For granting to his Majesty a certain Sum out of the Sinking Fund for the Service of the Year 1733, and for the farther Application of the same Fund; and for enabling his Majesty, out of the Money arisen by the Sale of Lands in St. Christopher's, to pay 80,000 l. as a Marriage-portion for the Princess Royal, &c. was read a second Time, and upon a Motion being made for committing it, the Earl of *Winchelsea* stood up and spoke to this Effect :

*My Lords,*

' I do not rise up to oppose the Bill now before us, but I stand up to take Notice of the strange Method of huddling so many Things together ; and particularly I cannot but take Notice of that Part of it by which 80,000 l. is granted as a Portion for the Princess Royal. It is so unbecoming a Thing to see that Grant made in such a hotch-potch Bill, a Bill which really seems to be the Sweepings of the other House, that I cannot, my Lords, let it pass without testifying my Dislike. After his Majesty had been most graciously pleased to communicate, to both Houses of Parliament, the intended Marriage of that Princess ; after both Houses had presented to his Majesty most dutiful and loyal Addresses thereupon, I think, my Lords, the least that ought to have been done, was to have provided a Marriage-portion for that Princess in a particular Bill by itself ; that it might have stood upon our Records, as a Testimony of the Respect and Duty of the Nation towards the Royal Family now upon the Throne. I have so great an Esteem for his Majesty and his Family, and such a particular Regard for that illustrious Princess, that I am sorry to see her Name so much as mentioned in such a riff-raff Bill as this is.

Earl of Winchelsea.

' But, my Lords, besides this Indignity to the Royal Family, the sending up a Bill with so many different Things tacked together, is a sort of Indignity to this House. It is a Breach of one of your standing Orders, and is a laying of us under a Necessity of agreeing to every Item in a Bill, or of putting a Negative upon every one of them: In short, my

Lord,

Anno 6. Geo. II. Lords, to me it really seems to be a Design to make use of one particular Article in the Bill to cram the rest down our Throats. Upon both these Accounts I could not help taking Notice of this most extraordinary Bill, but since it cannot now be remedied, I am so fond of enabling his Majesty to provide a sufficient Marriage-portion for the Princess Royal, I am so ready to join in any Measures for providing for the current Service of the Year, that, rather than disappoint either of them, I will for this Time pass over those Formalities, I will not oppose this Bill, but I hope that Care will be taken hereafter not to send up any more such Bills to this House'.

The Earl of *Chesterfield* \* spoke next :

*My Lords,*

Earl of Chesterfield.

' I do not rise up to oppose the Bill now before us, but I think it is incumbent upon me to declare, that it is, in my Opinion, a most indecent Thing to provide for the Princess Royal of *England* in such a Manner : It is most disrespectful to the Royal Family, to provide a Marriage-portion for so illustrious a Branch of that Family in such a Bill of *Items*. Here is *Imprimis*, 500,000 l. for the current Service of the Year. *Item*, 10,000 l. by Way of Charity for those distressed Persons, who are to transport themselves to the Colony of *Georgia*. *Item*, so much by Way of Charity for repairing an old Church. *Item*, so much by Way of Charity for repairing a Dormitory. And *Item*, 80,000 l. as a Marriage-portion for the Princess Royal of *England*. How incongruous is it, my Lords, to see such a Provision come in by Way of *Item* among so many other *Items*, many of which are for charitable Uses !

' In Duty to the Family of which that Royal Princess is descended, out of that Regard and Esteem which we ought to have for her, and which she so much deserves, not only from us but from the whole World, her Marriage-portion ought to have been provided for in a particular Bill by itself; no foreign Matter ought to have been mixed in such a Bill. Your Lordships were so careful in that Respect, that, when you were about drawing up an Address of Thanks to his Majesty for communicating to this House the intended Marriage of the Princess Royal, you would not receive a few Words which were offered by Way of Compliment to the States General, and which might very properly have come into that Address, because you were resolved to put nothing into the Address that was any way foreign to the intended Marriage, which his Majesty had been pleased to communicate to you.

' As I am resolved not to oppose this Bill, therefore, my Lords, I shall not say any Thing to the Method of Tack-  
gin

\* Resign'd his Post of Lord Steward of the Household, in May 1733.



ing made use of upon this Occasion ; nor shall I now object against the Means made use of for providing for the current Service of the Year ; but both ought certainly to be taken notice of, and I hope your Lordships will, upon this Occasion, come to some Resolutions which may tend to prevent the like Practices for the Future'.

Anno 6. Geo. II.

1733-

The Duke of Newcastle then said :

*My Lords,*

' I am so far from thinking it indecent or disrespectful to D. of Newcastle, provide for the Princess Royal by this Bill, that I think it the only Way by which such a Provision could have been made. It could not well have been done by a particular Bill, because the Marriage is not yet fully concluded : And a particular Bill was the less necessary, because the Provision is to be made without laying any new Burden on the People ; it is to be made out of what did not originally belong to the Publick, but to his Majesty ; for the Money arising by the Sale of the Lands in *Newis* and *St. Christopher's* did not really at first belong to the Publick ; it was what the Publick had no Right to, 'till his Majesty was so good as to give it up, and to promise that it should be applied to the Use of the Publick'.

The Earl of *Illy* spoke next as follows :

*My Lords,*

' I must say that the two noble Lords who spoke first upon this Subject, have been pleased to give the Bill now before us some Epithets which are very extraordinary, and which, in my Opinion, the Bill no Way deserves. There is in this Bill, my Lords, nothing of an extraordinary Nature : Surely your Lordships would not have a particular Bill sent up for every small Sum that is granted for the current Service of the Year : Your Lordships know that it is not usual : It has always been the Custom of Parliament to provide for several particular Services by one Bill. And as to the Marriage-Portion of the Princess Royal, I have as great a Regard for that most deserving Princess, and as great a Respect for the Royal Family of which she is descended, as any Lord in this House ; but really I can see no Difference in the providing for her Marriage-Portion by a particular Bill for that Purpose, or by a Clause in some other Bill : It will stand equally upon all our Records in the one Way as in the other ; and the Duty and Respect which the Nation owes to his Majesty and his illustrious Family will be shewn as much, and testified as strongly, by the Clause which is in this Bill, as if there had been a particular Bill brought in and passed for that Purpose only.

' As to the Orders of this House, my Lords, there is nothing in this Bill that is against any of them ; the Order

Anno 6. Geo. II. which now seems to be referred to is, I presume, that by which it is ordered, that nothing of a foreign Nature shall be tacked to any Money-Bill : This, my Lords, is the only Order I can think of which has any Manner of Relation to the Question in Hand, and I am sure there is nothing in this Bill contrary to that Order : There is nothing of a foreign Nature, there is nothing in it but what relates to the granting of Money, and therefore there is nothing in it that can in any way be said to look like Tacking. Since the noble Lords had no Mind to oppose the Bill, I must think that they might have let alone saying any Thing upon the Head 'till after the Bill had been ordered to be committed : Then if they had any Motion to make relating to any Irregularities in this Bill, they might have spoke to it ; but it is not usual for any Lord to speak against a Bill, unless it be with a Design to oppose its passing in the Form it is in.

After this the Bill was ordered to be committed, and then the Lord Bathurst stood up and spoke thus :

*My Lords,*

Lord Bathurst.

I did not before give your Lordships any Trouble, because I had not a Mind to oppose this Bill which we have now ordered to be committed ; for tho' I was of Opinion, and I find I am not singular ; that the sending up of such a Bill was both irregular and contrary to the Orders of this House, yet I thought it was necessary to pass it, not only because of the Desire I had to see all the current Services of the Year provided for, but likewise because of the great Regard I had for that Branch of the Royal Family provided for by this Bill : Tho', I must say, that I should have been glad to have seen that Royal Princess provided for by a particular Bill for that Purpose only ; for wherever a Grant is to be made by Parliament in Favour of any particular Person, the doing of it by a Clause may, perhaps, have the same Effect, but the doing of it by a Bill certainly shews a greater Regard for the Person to whom the Grant is made. There is indeed a Method, by which one House of Parliament may be made to shew a very extraordinary Regard to any particular Thing provided for only by a Clause in a Bill ; this Method has perhaps been practised, tho' I shall not say, my Lords, it has in this Case been practised ; it is when either House of Parliament has a Bill before them which they suspect may be thrown out in the other House, therefore, in order to carry it through the other House, they add a Clause in favour of some Thing, or some Person which they know the other House will shew a great Regard to ; in such Case, if that other House do pass such a Bill for the Sake of that Clause, it is certainly shewing a very extraordinary Regard to the Person in favour of whom that Clause

Classe was thus purposely introduced. If I admit bad Company into my House, for the Sake of one particular Man who happens to be among them, I certainly shew him a greater Regard than if I admitted him single and alone; but he is little obliged to those, who put him upon the Office of gaining Admittance for such troublesome Attendants.

However, my Lords, as to this Part of the Bill I shall insist no longer upon it, my principal Design is to take Notice of the Manner in which the current Service of the Year is provided for by this Bill: It is indeed a very extraordinary Method of providing for that Service; a Method which I shall never approve of: I have always looked on the Sinking-Fund as a most sacred Pledge for securing the Payment of the Debts of the Nation, and for relieving the People from those many Taxes and Burthens they now groan under. Now, I find, that by this Bill, that sacred Fund is to be robbed of 500,000 *l.* at one Stroke. There have been several large Sums formerly stolen from that Fund; but, I believe it was never before plundered of so large a Sum at once, or in so direct and open a Manner as by this Bill is to be introduced; and therefore, I hope your Lordships will come to some Resolution for preventing any such Practices for the future: It is now, my Lords, really become necessary for us to signify to the other House our Opinion, That the Sinking Fund ought never to be applied to any other Purpose than that for which it was originally designed; and I think my Lords, the best Way of signifying such Opinion, is, by having a Resolution to that Purpose entered upon the Journals of this House; for which Reason I shall take the Liberty to move for a Resolution in these or in some such Terms, That it is the Opinion of this House, that the Sinking-Fund ought always for the future to be applied to the redeeming those Taxes which are most prejudicial to the Trade, most burthensome on the Manufactures, and most oppressive upon the Poor of this Nation!

The Lord Carteret spoke next:

*My Lords,*

I must upon this Occasion declare it to be my Opinion, that the Creditors of the Publick have, in a Manner, a Right to that sacred Fund, called the Sinking-Fund; it is in its own Nature a Security to them; first, for the Payment of the Interest coming yearly due to them, and next for the Payment of their principal Sums. The whole People of *England* have a Right to have it duly applied; because it is by such Application only that we can get free of those many and grievous Taxes, which lie so heavy upon the Poor, and are such a Clog to the Trade and to the Manufactures of this Nation; and therefore the applying of that

Anno 6. Geo. II. Fund to any other Use is a robbing the publick Creditors of their Right, it is doing an Injustice to the whole People of *England*.

1733.

The present Circumstances of this Nation are, my Lords, in some manner deplorable. By the many Taxes we now pay, the Necessaries and Conveniences of Life are rendered so dear, that it is impossible for our Tradesmen or Manufacturers to live so cheap, or to sell the Produce of their Labour at so small a Price as our Neighbours do; from hence it is, my Lords, that our Neighbours are every Day encroaching upon us, and our Trade is daily decaying. If a Journeyman in any Manufacture whatever, can live better in *France* or *Germany* on Six-Pence a Day than he can live in *England* on a Shilling, we may depend on it that most of our Tradesmen will at last find the Way thither, if they are not prevented either by our own good Politicks, or by some very bad Politick among our Neighbours; and if a Master Tradesman can get the same Work done in *France* for Six-pence, which would cost him a Shilling in *England*, he certainly can undersell the *English* Tradesman in all the foreign Markets of the World. The only Method therefore to preserve our Trade is to take off those Taxes, which now lie so heavy upon the poor Tradesmen and Labourers, and this the whole People of *England* know can be done no other Way but by a due Application of the Sinking-Fund. How shocking then must it be to the whole Nation to see that Fund plundered of so large a Sum at once? The whole Nation must from thence conclude, that they must for ever groan under those Taxes and Burthens which they now find almost insupportable, and which must soon become absolutely so by the Decay of our Trade and our Manufactures.

This Fund, my Lords, has before been clandestinely defrauded of several small Sums at different Times, which indeed together amount to a pretty large Sum; but by the Bill which we have now ordered to be committed, it is to be openly and avowedly plundered of 500,000 £. at once. After such a direct Misapplication of that Fund, can any publick Creditor depend upon his being ever paid his principal Sum? Can any Publick Creditor think himself secure, even of that yearly Interest or Annuity which is due to him? By this Bill he sees one Half of the Sinking-Fund applied to the current Service of the Year: This he sees done, and this, my Lords, he sees done in a Time of the most profound Peace and Tranquillity! How then can he be certain but that the whole Sinking-Fund may be next Year applied to the same Purposes: He must then see himself deprived of all Hopes of e-  
ever

ver receiving his principal Sum ; and if the Funds now appropriated to the Payment of the yearly Interest, or Annuities, growing due to the Publick Creditors should hereafter prove to be deficient, where could they have Recourse for the Payment even of those Annuities ? The Sinking-Fund being otherwise applied, their Annuities, or at least some Part of them, must remain unpaid, and, at last perhaps, the Whole might cease. Such a Suspicion may, even by this Misapplication, arise among the Creditors of the Publick ; and if such should arise, it would be the most terrible Shock that ever happened to the Publick Credit of this Nation. To prevent therefore any such Suspicion, it will be absolutely necessary for your Lordships to come to some Resolution for quieting the Minds of the People, and for assuring them that no such Misapplication shall for the future be admitted of : And the passing of the Bill now before us makes our coming to such a Resolution the more necessary. For which Reason I am for agreeing with the Motion, made by the noble Lord who spoke last.

Anno 6. Geo. II.

1733.

The Duke of Newcastle spoke as follows :

*My Lords,*

D. of Newcastle.

‘ I wonder to hear it affirmed by any Lord in this House, that the Publick Creditors have any manner of Right in the Sinking-Fund : They certainly have no Right to any Part of it : They have a Right only to receive their yearly Interest when it becomes due ; for the Payment of which there are other Funds appropriated, and therefore as long as they are regularly paid their Interest they have nothing to fear, they have nothing to complain of. It is well known that the Sinking-Fund was from its very first original subject to be disposed of by Parliament, and the Parliament has it still in their Power to apply it to the paying off a Part of the Publick Debt, or to what other publick Use they shall think most proper ; and in this Year there is as much of it applied towards the paying off the Publick Debts as is either necessary or convenient.

‘ By the same Bill, my Lords, there is a Million to be applied towards the paying off a Part of the Publick Debts of the Nation, which is more than the Creditors of the Publick either want or desire. The Circumstances of this Nation are now so happy, and the Publick Credit so well established, that none of the Publick Creditors desire to have their Money : On the contrary, my Lords, we see that those Funds bear the highest Price, and are the most sought after, which are expected to be the longest in being paid off. In such Circumstances we have an Opportunity to look about us, and to apply a Part of that Fund where we find

it



Anno 6. Geo. II. it is most wanted : This is what is proposed by this Bill ; it must be granted, my Lords, that the landed Gentlemen have of all others born for many Years the greatest Share of the Publick Charge, they are therefore the first that ought to be relieved ; and for this Reason 500,000 l. Part of the Sinking-Fund, is to be applied to the current Service of the Year, in order to relieve them of a Part of that Burden they have long laboured under. Since then by this Bill the landed Gentlemen are to be relieved, and the Service of the Year provided for without contracting any new Debt, or laying any new Burthen upon the People, it must be allowed to be a publick Benefit.

‘ That Part of the Sinking-Fund, which in Ease of the Landed Gentlemen, is by this Bill to be applied to the current Service of the Year, is not, my Lords, to be called a Half of the Sinking-Fund, because it is not to be taken out of the Produce of that Fund for one Year ; it is what has arisen from the Surplusses of that Fund for several Years, over and above the Million which, for some Time, has been yearly applied to the Payment of the publick Debts : And since none of the publick Creditors either wanted or desired their Money, I must think that these Surplusses could not have been applied better than to the Relief of those who have been for many Years the most grievously taxed. This, my Lords, is the true Design of the Bill which we have ordered to be committed. It is, my Lords, a good Design ; it is such a Design as can give no Man an Alarm ; it can raise no Jealousies or Fears ; and therefore I cannot think that there is any Occasion for your Lordships to come to such a Resolution as the noble Lord has been pleased to move for.’

The Earl of *Illy* spoke next :

*My Lords,*

Earl of *Illy*.

‘ I am really surprized to hear such Expressions made use of in this House, as some Lords have taken the Liberty to use. Robbing, Stealing, Plundering, Defrauding, Mis-applying, are such Terms as are not usual in any polite Conversation, and much less ought they to be made use of in any Debate in this House ; but when I reflect upon what they are applied to, I cannot but think they are still more irregular. It has been said, that the Sinking-Fund has been plundered and robbed ; I would gladly know, my Lords, by whom this sacred Fund has been so used ; I am sure that, to the best of my Knowledge, there has never yet been one Shilling of it applied to any Use, but by Virtue of of an Act of Parliament for that Purpose ; and if it be said that it has been plundered and robbed by Act of Parliament, who are to be called the Plunderers and Robbers ? Why the King, the Lords, and Commons. Can this, my Lords, be said

aid to be decent ? These are Terms that are very far from Anno 6. Geo. II, being proper upon any Occasion in this House, and surely they are most improperly applied to the Parliament's disposing of that Fund, which by its first Institution was, and ever since has continued to be entirely at the Disposal of Parliament. The Sinking-Fund is to be appropriated to the Payment of the Publick Debts, from Year to Year, by Authority of Parliament ; but if the Parliament shall think proper to dispose of any Part of it, or even the Whole in any one Year to some other Use, they certainly may ; the disposing of it in such a Manner is neither Plundering, or Misapplying.

For my own Part I must beg leave to say, that I do not know what the noble Lord means by the Resolution he proposes. The Sinking-Fund is in its own Nature to be applied yearly to the Payment of the Publick Debts, unless the Parliament shall, in any one Year, think the applying of it to some other Use will be more beneficial to the Nation : And I hope your Lordships do not mean by such a Resolution to tie up this House, in all future Sessions, not to apply that Fund to the use which shall then be deemed most for the Benefit of the Nation : Even an Act of Parliament could not have such an Effect : Are your Lordships to make a Resolution which is to be held more sacred, and more unalterable, than an Act of Parliament ? Are we to resolve not to trust ourselves for the future with the Management, or the Disposal of this Money ? In short, my Lords, such a Resolution as what is proposed, is, in my Opinion, quite unnecessary, and if agreed to, it could be of no manner of use.

As for the paying off the Publick Debts, and relieving the Nation from the Taxes it now pays, I am as much for it as any Lord in this House ; but, my Lords, if it were possible to pay off all our Debts in one Year, it would not be prudent to do so : The Debts are to be paid off gradually ; there would be great Danger in paying off too many of them at once : By such a Glut of Money coming to be thrown at once into the Hands of private Men, the Interest of Money in this Nation would be run down lower than the Circumstances of Europe could at that Time admit of, the certain Consequence of which would be, that vast Sums of Money would at once be carried out of the Nation, in order to place it at an Interest somewhere else ; this would drain us of all our ready Money, which of Consequence would put an End even to our Paper-credit, and thereby the Interest of Money would in a little Time be raised higher, than would be consistent either with the Trade or the Credit of the Nation.

Anno 6. Geo. II.

1733.



' I should be glad, my Lords, to see this Nation free of most of the Taxes now charged upon it ; but I cannot believe that those Taxes are so burthensome upon our Trade, or that our Manufactures are in such Decay as some Lords have been pleased to represent ; I believe both our Trade and our Manufactures are at present in as good and as thriving a Condition as they ever were : Our People, 'tis true, pay Taxes, but I would gladly know where there is a People that pay none : I believe there is not now a Country in *Europe* where the Taxes are less burthensome to the People, than they are in this, nor is there a Country in the World, where an industrious Tradesman may live more happily ; and therefore we need not be much afraid that any industrious and frugal Tradesman will leave us. The Fact I take to be otherwise ; I believe there are many more foreign Tradesmen come yearly to settle in *England*, than there are of our Natives who go to settle in any foreign Part.

' If, my Lords, it be laid down as a Maxim, that every Application of the Sinking-Fund to any other Use besides that of paying off the Publick Debt, is to be look'd on as a Misapplication, then certainly the applying it towards the redeeming of any of our Taxes must be deemed to be a Misapplication ; and therefore I hope that those Lords, who insist so much upon its being a Fund sacred to the Payment of our Debts only, will be against the Resolution proposed.'

Then Lord *Carteret* spoke thus :

*My Lords,*

Lord *Carteret*.

' If we inquire a little into the Rise of the Sinking-Fund, we may easily find that the publick Creditors have not only some sort of Right, but a most just Claim to that Fund. We all know that the Fund, which is now called the Sinking-Fund, arose from the Diminution of the Interest payable to the Creditors of the Publick : They had formerly, at least most Part of them had, an Interest of Six *per Cent.* or above ; and while that Interest continued, the whole Sinking-Fund was actually appropriated to the Payment of the yearly Interest due to them ; but then, my Lords, there was no Fund established for the Payment of their principal Money ; this made all those who had a Concern for the Publick uneasy ; and without doubt there were many of the publick Creditors who were not quite easy under such Circumstances ; therefore they have all consented by Degrees to the reducing of their Interest to Four *per Cent.* Thus have they given up one third Part of their yearly Interest, in order to secure the Payment of their principal Money ; and for this Reason they certainly have not only an Interest in the Sinking-Fund, but a Right to claim that it may never

never be applied to any Thing but the gradual Payment Anno 6. Geo. II. of the principal Money due to them.

1733.

' I am surpris'd, my Lords, to hear it said, they have a Right only to their yearly Interest. Have they not likewise a Right to come and demand their principal Money whenever they please? 'Tis true, they do not now want their Money, there are none of them come at present to demand their Money of the Publick; but from whence does this proceed? Does it not proceed from their being, by Means of this very Fund, secure, not only as to the regular Payment of their yearly Interest, but likewise that their principal Money will be all paid at last? From hence it is, that all publick Securities sell at least at *Par*, and therefore, if any publick Creditor stands in need of his Money, he has no Occasion to come and demand it of the Government, because he may every Day sell his Security in *Exchange-Alley* at the full Value; but if the Sinking-Fund should be taken away from them, if it should be entirely converted to some other Purpose, they would be rendered less secure of the regular Payment of their Interest, and they must despair of ever having their Principal; they could not then sell their publick Securities for the full Value; or perhaps for any Value, and consequently they would not only have a Right, but they would certainly come and demand Payment of their principal Money from the Publick.

' But, granting that the publick Creditors neither do, nor ever will demand Payment of their principal Money, is that, my Lords, any Reason for the Publick never to think of paying them? If a Man has a Mortgage upon my Estate, and does not desire it to be paid off, because he has a higher Interest, more regular Payments, and a better Security from me than he can find any where else; surely that can be no Reason for my delaying to pay him off: On the contrary it is one of the best Reasons can be given for my paying him off as soon as possible.

' The Publick Measures now seem to be much changed from what they were a few Years ago; It was then thought that those Taxes which are the most grievous to the Poor, were the most proper to be first redeemed. This Measure seem'd then to be so much the Favourite of the Government, that his Majesty from the Throne recommended to us the relieving of the Labourers and Manufacturers from those Taxes which lay most heavy upon them; and in pursuance of his Majesty's most gracious Speech, the Tax which was justly deem'd to be the most grievous upon them, was in that Session of Parliament taken off. But, my Lords, this salutary Measure was all of a sudden quite altered; what the poor Labourers and Manufacturers had done to

Anno 6, Geo. II.

1733.

paid off before the Taxes can be redeemed; so that the Resolution moved is something more strong than if it had been in the general Words, That the Sinking-Fund ought always to be applied towards the reducing of the Publick Debts; for these general Words plainly appear to be included in the Resolution; and further, that it ought first to be applied to: wards the paying off those Debts, for which the Taxes most prejudicial to our Trade and Manufactures are mortgag'd; for 'till those Debts are paid off we cannot abolish those Taxes; but the Debts being once paid off, and those Taxes thereby redeemed, it will then, and not 'till then, be in the Power of Parliament to consider whether or no the Tax ought to be abolished. The Resolution therefore as moved for is a most proper Resolution, and cannot be put in better or stronger Terms than the Lord who made the Motion has put it. Such a Resolution is, my Lords, become absolutely necessary; it is shewing to the other House what is the Opinion of this; it is shewing to the whole Nation that the Sinking-Fund is for the future to be deemed sacred; it is not a tying up of this House to any Thing but what we ought to be tied up to. Tho a private Man be absolute Master of his own Affairs, yet every prudent Man lays down to himself some general Rules, from which he never departs without some very urgent Necessity. In this House we do the same: How many standing Orders have we made! I hope it will not be said that all our standing Orders are useless, because we may depart from them, or alter them when we have a Mind. If this Resolution be agreed to, it is certainly to be understood in the same Sense as all our standing Orders are; it is never to be departed from but in Cases of the utmost Necessity.

The Earl of Scarborough spoke next:

*My Lords,*

I am very well convinced that the Sinking-Fund ought never to be applied to any Thing but that for which it was established, and for which it was originally intended; and I hope that your Lordships are not only now, but always will be of the same Opinion; I hope, that that sacred Fund will never for the future be applied to any Use but that of paying off and discharging the Publick Debts, except in Cases of the utmost Extremity. This, my Lords, is my Way of Thinking, but yet I cannot agree to our coming to such a Resolution as the noble Lord has been pleased to propose. Surely we do not mean, we cannot pretend to tie up the Hands of the Legislature so, as that they must never touch that Fund, even in the Times of greatest Danger and Necessity. If there should arise a wicked and unnatural Rebellion in the Country; if the Nation should happen to be invaded,

E. of Scarborough.



vaded, and 30 or 40,000 foreign Troops landed in our Dominions, are we to tie ourselves up, so that the Sinking-Fund is not even in such a Case to be touched? There is no Man can foresee all that may happen. There are many other Cases may happen, in which it might be more for the Benefit of the Nation to apply a Part of that Fund to some other Use, than to apply the Whole to the Payment of the Publick Debts.

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‘ We do not know, my Lords, what Inconveniences, what ill Consequences may be occasioned by our having such a Resolution entered upon the Journals of our House: There is one terrible Consequence which now occurs to me, and which, in my Opinion, may very probably arise from our coming to such a Resolution. It may very naturally be the Cause of a Difference between the two Houses of Parliament, which would be of the most dangerous Consequence to our Constitution: The other House may, perhaps, look upon it as a directing of them in what they are to do with respect to the Application of that Fund: Or, if the other House should not take it amiss, yet if they should upon any future Emergency, which they thought pressing, apply a Part of that Fund otherwise than to the Payment of the National Debt, your Lordships might perhaps think yourselves in Honour bound up by such a Resolution, so as not to agree with them in such Application: This would naturally raise a Contest between the two Houses, which would put a full Stop to all the Publick Business of the Nation; and who can tell what might be the Consequence of such a Contest, or how long it might last?

‘ This, my Lords, is one Inconvenience which immediately occurred to me, and other Lords may, I believe, foresee a great many more. As that Fund is in its own Nature sacred to discharging the Debts of the Nation, I hope that, without coming to such a Resolution, your Lordships will never agree to the applying of it in any other Way, except in Cases of the greatest Necessity. Such a Resolution I must therefore think quite unnecessary, and as I think it may be attended with dangerous Consequences, I cannot agree to it.’

Then the Lord Batbursf spoke to this Effect:

*My Lords,*

‘ The noble Lord who spoke last has made me think of an Amendment to the Resolution I proposed; and as I am always fond of having that noble Lord’s Approbation, I shall therefore propose, that the Resolution may be to this Effect: That it is the Opinion of this House, that the Sinking-Fund ought for the future to be applied, in Time of Peace and Publick Tranquility, to the redeeming of those Taxes which

are

(Ld. Bat)

Anno 6. Geo. II. 1733. ' are most prejudicial to the Trade, most burthenfome on the  
' Manufactures, and most oppressive upon the Poor of this  
' Nation.'

The Earl of Scarborough replied :

*My Lords,*

Earl of Scarbo-  
rough.

' Besides the Case of an Invasion or Rebellion, there are many other Cases which may happen ; and I believe I gave several other Reasons for my being against coming to the Resolution proposed ; therefore, tho' I am very much obliged to the noble Lord for the Honour he does me, yet I cannot agree to the Resolution even as now amended.'

M. of Tweedale.  
E. of Winchelsea.  
E. of Strafford.

The Marquis of *Tweedale*, the Earl of *Winchelsea*, and the Earl of *Strafford* spoke also in favour of this Resolution : However, at last, upon putting the Question it was carried in the Negative without any Division.'

### *Dissentient'*

Protest on re-  
jecting the said  
Motion.

I. Because we conceive, That it would have been extremely for the Honour of the House, and for the Service of the Publick, to have this Resolution entered in our Books, at a time when we have so far consented, in Compliance with the House of Commons, to a Bill, by which near Half a Million collected from the Sinking-Fund, in several Years, is appropriated to the Service of the present Year.

II. Because the Sinking-Fund being composed of the Surpluses of Funds originally granted as Security to the Creditors of the Publick ; and these Surpluses arising chiefly from a Reduction to 4 per Cent. of the Interest granted them, for the most Part at the Rate of 6 per Cent. we cannot but think, that this Saving ought to be applied, according to the most inviolable Rules of Equity, and according to the known Design, and the repeated and solemn Engagements of Parliament, to a gradual Discharge of the Principal to these Creditors of the Publick, who have parted with a Third of their Revenue in this View, and upon this Confidence.

III. Because we apprehend, That the Method of applying large Portions of the Sinking-Fund to the Service of the current Year, must, in Effect, perpetuate the Debts and Taxes which lye on the Nation, and is therefore injurious to the Publick. Had this whole Fund been strictly applied from the Beginning to its proper Use, we think it may be demonstrated, not only that much more of the National Debt might have been discharged, but that those Taxes, which are most oppressive to the Poor, and most prejudicial to Trade, might have been already taken off, since upwards of 480,000 l. per Ann. belonging, as we conceive, to this Fund, has been applied to other Uses,

IV.

IV. Because we apprehend, That it cannot be for the Good of the Nation, nor consequently for the Honour of Parliament, to separate those Interests in the particular Appropriations of the Sinking-Fund, which were so wisely and so justly united in the original and general Design of it (the Interest of the Nation, and the Interest of the Proprietors of the National Debts) the former was intended to be eased, and for that Purpose the latter were to be cleared as soon as possible. If it be said therefore, that the Creditors of the Publick do not desire to be cleared any faster than they are in the present Method, nor object to the Application of Part of the Sinking-Fund to other Uses, we apprehend that no Argument, which ought to avail in a House of Parliament, can result from such an Assertion, because we conceive, that, in every Instance of this Kind, in every Application of the Sinking-Fund, or of any Part of it, we are to look on our selves as obliged, not only to be just to the Creditors of the Publick, but to be careful of the Ease of the People, to keep the particular and general Interests united, as they originally were, and not to sever them. If, in Fact, the Creditors of the Publick do not object to the Application of such large Proportions of the Sinking-Fund to other Uses, than to the Payment of the Debts, it may be said, that no Injustice is done them by any such Application, according to the known Maxim. *Volenti non fit Injuria*. Nay, it may be deemed for their private Interest, to have such beneficial Mortgages continued to them as long as possible, and they may desire therefore not to be cleared any faster than they are likely to be in the present Method. But we apprehend, that it cannot be for the Interest of the Nation to have these Mortgages continued any longer, than is absolutely necessary to discharge the Debt secured by them, and that we, by Consequence, who are Trustees for the People, ought to desire and endeavour, that the Debts may be discharged, and the Load of Mortgages be removed as soon as possible. In this manner, Publick Faith would be strictly kept, Justice would be done, no Injustice could be done to the Creditors of the Publick. In the other Method, and by diverting such large Portions of the Sinking-Fund, if it should be granted, that no present Injustice was done to the Proprietors of these Publick Debts, yet must it be allowed, as we apprehend, that great Injury is done to the Nation, unless it can be proved, that the unnecessary Continuation of Debts and Taxes, is a National Benefit.

V. Because we conceive, That if the whole Produce of the Sinking-Fund were not to be applied to the Discharge of the Publick Debts, it would be much more for the Benefit

**Ann 6. Geo. II. of Trade; and Advantage for the Nation, that some of**

1733.

those grievous Taxes, out of which it arises, should cease, than that they should be continued to supply the current Service at 4 l. *per Cens.* which might certainly be supplied by other ways at a cheaper Rate. These Taxes are not only grievous in themselves, but almost intolerable, by the Manner of collecting them under the Laws of Excise: Laws so oppressive to the Subject, and so dangerous to Liberty, that every Man who wishes well to his Country must, in our Opinion, desire to see a speedy End put to them. Most of these Taxes were laid during the Necessity of two long and expensive Wars, and were granted only for Terms of Years, that so the Principal and Interest of the Loans made on them might be paid off in a certain limited Time. Thus the Nation consented to pay, in some Manner, a double Tax, in order to avoid the long and uncertain Continuance of such grievous and dangerous Impositions; and, according to the first Design, many of them would have been very near the Expiration of their Term at this Hour. The Wisdom of Parliament indeed thought fit afterwards to throw these Taxes, and the Method of discharging these Publick Debts, into another Form, which now subsists. But we cannot conceive, that this was done with a View for continuing our Taxes and our Debts the longer; on the contrary, we are sure it was done in the View of discharging both the sooner; and it is this very View which, we apprehend, must be fatally disappointed, if the present Method of diverting any Part of the Sinking-Fund from the Payment of the Publick Debts be suffered to continue

VI. Because we apprehend, That this Method may create the utmost Uneasiness in the Minds of his Majesty's Subjects, and may tend, if not timely prevented by the Wisdom and Authority of this House, to diminish their Affection for his Person and Government: Hitherto whilst they have labour'd under the Weight of Taxes, and groan'd under the Oppression of Excise Laws, the Hope of seeing speedily an End put to both, has been their sole Consolation; but nothing can maintain this Hope, except a due Application of the entire Sinking-Fund to the Discharge of those Debts, for the Discharge of which these Taxes were intended and given. If some Part of this Fund therefore continue to be mortgaged off, and other Parts to be applied to the current Service, even in the midst of profound Peace, this Hope must sink, and Despair arise in its stead. We insist with greater Concern and Earnestness on this Point, from our Observation of what has lately pass'd on the Occasion of Attempts to extend the cruel and arbitrary Methods practis'd under the Laws of Excise, and naturally and necessarily, as

we apprehend, flowing from them. If any new Law of Anno 6. Geo. II. this kind had passed elsewhere, it could not have prevailed in this House; but we think it the more incumbent upon us, after such an Attempt, and such National Resentment expressed against it (both which are of publick Notoriety) to promote, as effectually as we are able, the Quiet and Happiness of his Majesty's Reign, by cutting off any Hopes or Fears which may be still entertain'd, that such a Project will, at some Time or other, succeed. And to this good and laudable End, we conceive, that nothing would have contributed more than such a solemn Declaration of the Sense of this House as is contain'd in the Question.

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*Bedford, Craven, Gainsborough, Winchelsea and Nottingham, Gower, Tweedale, Bridgwater, Ker, Bruce, Carteret, Masbam, Bathurst, Shaftsbury, Litchfield, Sunderland, Coventry, Strafford, Thanet.*

On the first Day of June, the House went upon the Ex-S. Sea Directors examination of the Directors of the South-Sea Company, &c. examined.

The present Directors of that Company were first called in and examined; after them the late Inspectors of the Company's Accounts, and lastly the former Set of Directors were examined. After which the Lord Bathurst moved for this Resolution, *viz.* That it appeared to that House, that on the 5th Day of December 1729, the general Court of the South-Sea Company then held, resolved, That the then present Directors should be the Trustees for the Company, with relation to the Produce of the forfeited Estates of the Directors and others in the Year 1720, vested in the Company by an Act of the 7th of King George I. and that the then Trustees should surrender, and deliver over to the said Directors, the said Produce, and all the Books of Account, Papers, and Writings relating thereto; in Pursuance of the Act, passed in the then last Session of Parliament: And that that was the only Order or Direction of any general Court of the said Company relating to the Disposal of the Produce of the said Estates.

Lord Bathurst's Motion relating to the Disposal of the forfeited Estates of the South-Sea Directors, Anno 1720.

Debate thereon.

Upon this the Earl of Ilay stood up and said, That he would not oppose the Motion in general, but he thought they could not positively affirm, That that was the only Order or Direction of any general Court relating to the Disposal of that Money, and therefore he would propose an Amendment to the latter Part of the noble Lord's Motion, which was, that it should run thus, And that it did not appear to them, that there was any other Order or Direction of any general Court of the said Company relating to the Disposal of the said Estates. Which Amendment was agreed to by the Lord Bathurst, and then his Motion, thus amended,

1733.

Y

amended.



Anno 6. Geo. II. amended, was agreed to by the House without any Opposition.

1733.

Earl of Win-  
chelsea's Motion  
that the Disposal  
of the Estates  
was contrary to  
Law.

Then the Earl of *Winchelsea* moved for the House to resolve; That the disposing of the forfeited Estates of those who were the Directors of the *South-Sea* Company in the Year 1720, without any Order or Direction of a general Court for that Purpose, was contrary to Law. This Motion he said he hoped was such as he had no Occasion to say much in Support of, because the Words of the Act of Parliament were so plain and express, that it was a certain Consequence of the Resolution they had just then come to.

D. of Devon-  
shire.

The Lord Chancellor offering to put the Question upon this Motion, the Duke of *Devonshire* stood up and spoke to this Effect.

*My Lords*

'I cannot agree to this Motion, because I think it is anticipating the Judgment of this House in an Affair which may perhaps come before us as a Court of Judicature. 'Tis true, my Lords, that there does not appear to us to have been any other Order or Direction of any general Court of that Company for the Disposal of those forfeited Estates, except that which is mentioned in our former Resolution; but still there may be other Orders; and granting that there never was any other Order, yet we ought not I think to pass Judgment even upon that Order, without having all proper Parties before us, and the Case fully debated and considered. As the Resolution proposed is a sort of Decree or Determination as to a Point in which private Men are certainly concerned, we ought not pass it till the Parties concerned are properly before us, and are fully heard as to what they may have to say against it, for which Reason I cannot, my Lords, agree to the Resolution proposed.'

Bishop of Bangor.

The Bishop of *Bangor* \* took Notice, 'That he could not agree to the Resolution, because he thought it would be in some manner a giving of Directions to the Courts below, how they were to determine, in case that Affair should in any Shape come before them.'

Then the Lord *Carteret* spoke thus :

Lord Carteret.

*My Lords,*

'The Words of the Act of Parliament are so plain and express, and the Resolution moved for by the noble Lord near me is so exactly agreeable to those Words, that I am really surprized to hear any Lord signify the least Scruple as to agreeing with the Motion. The Words of the Law are, that the Produce of those forfeited Estates shall be disposed of by the Orders and Directions of the general Courts

of that Company, *and not otherwise*: The Words of the Resolution are, That the having disposed of that Produce otherwise is contrary to Law. Can any Thing be more evident? There may be Orders of the general Courts of that Company relating to the Disposal of this Money which your Lordships have not seen; but can the Possibility of there being any such be an Argument against agreeing to this Resolution? We do not by the Resolution proposed affirm, that there never were any Orders of a general Court for directing the Disposal of that Money: We affirm no Fact: We only declare our Opinion in a Point of Law, which to me is as clear and as evident as any Demonstration I ever met with.

' Suppose, my Lords, that this Affair does come before some of the inferior Courts, and that it does then appear that there were other Orders of the general Courts of that Company for directing the Disposal of this Money, besides that which has been laid before your Lordships, the Resolution now moved for could not in such a Case be any Direction to the inferior Courts; they would certainly be at as full Liberty as if no such Resolution had ever been made; and if it should appear before any of the Courts below, that no other Order was ever made by any general Court of that Company for directing the Disposal of this Money, could any Court determine otherwise than according to the Act of Parliament? My Lords, the Case is so plain, the Words of the Law are so very express, that I cannot think there is any Occasion for hearing the Point debated, there is no Room for Consideration, and therefore I shall be for agreeing to the Resolution.'

The Earl of *Illy* spoke next as follows:

*My Lords,*

' Tho' there were really no other Order, or Direction of any general Court of the *South-Sea* Company relating to the Disposal of the Money in Question, besides that which has been laid before your Lordships, I do not know but that it may be pretended, that even the Order which your Lordships have seen was a sufficient Authority for the Disposal of that Money: It was certainly a sufficient Authority for the Trustees to deliver the Produce of those Estates to the Directors of that Company, and when in pursuance of that Order it was delivered into the Hands of the Directors; I do not know but that it may be said, that the Terms of the Act of Parliament were then complied with, and that the Directors might thereafter dispose of it in that Way which they thought most beneficial for the Company, as they do of some other Parts of that Company's Property, without any particular Order of a general Court for that Purpose.

1733.  
 Anno 6. Geo. II. Purpose. This is a Question, my Lords, which I shall not pretend now to determine; I shall not so much as offer any Arguments either of one Side or the other, but from thence I conclude, that even the Order which we have seen deserves some further Consideration, before we come to any such Resolution as is now proposed; for after your Lordships have seen and considered that Order, your coming to such a Resolution is certainly a Determination, that the Order you have seen and considered, is no proper or legal Order for the Disposal of that Money: The Courts below will certainly look upon it as such; and even tho' they should be of Opinion, that that Order was a sufficient Authority for the Disposing of that Money, and that no future Order was requisite, yet they would be loath to give a Judgment so contrary to what appeared to have been the Judgment of this House.

The Point now before us cannot be said to be an indisputable Point, and therefore I must think that your Lordships coming to such a Resolution is a determining of a Question in dispute, and a making a Sort of Decree against the Gentlemen who were at that Time in the Management of that Company's Affairs, before they have been heard either by themselves or their Counsel upon a Question in which both their Honour and Interest are so nearly concerned: This my Lords, is a Method of Proceeding which, I hope, this House will never come into; I hope your Lordships will never come to any Resolution which may affect either the Character or the Estate of any private Man, without first giving him an Opportunity to be heard against it.

We ought, my Lords, to consider that we are a Court of Equity, and tho' it should appear the Money arising from those forfeited Estates had been disposed of without such an Authority as was necessary in the strict Terms of Law, yet if it has been disposed of in the best Manner for the Benefit of the Company, the then Directors ought in Equity to stand Acquitted, they ought not to be loaded with any Thing like a Sentence of so august an Assembly against them, and therefore, my Lords, it is really my Opinion that you ought not to come to such a Resolution as now moved for, till the Affair comes properly before you, and all Parties are heard what they have to say either in Law or Equity in their own Behalf, for which Reason I must move for the previous Question.

The Earl of Scarborough spoke next;

My Lords,

As to the Orders of the General Court of the South-Sea Company, which has been laid before your Lordships, surely

Earl of Scarborough.

ly it cannot be looked on either in Law or Equity as an Order directing how the Money in Question was to be disposed of, nor can it ever be presumed that it will be the Opinion of any Court, or of any Man, that an Order directing only who should be the Trustees of the Company as to that Money, was an Order for directing to what Uses it ought to be applied; therefore, if that Point were to be expressly determined, it could not be any bad Consequence in any Case whatever; but by the Resolution proposed, even that Question, if it must be called a Question, is not to be expressly determined: We are now, my Lords, to determine nothing but a Point of Law, and a Point of Law which to me appears so plain that I cannot hesitate one Moment in giving my Opinion. The Words of the Act of Parliament are so very express, that there can be no Doubt of its being contrary to Law, to dispose of that Money, without any Order or Direction of a General Court for that Purpose; and I am sure it is as plain, that the delivering of that Money by the Trustees to the Directors is not such a Disposal of the Money as is intended by that Act.

‘ If it shall afterwards appear, that the Produce of those forfeited Estates was disposed of according to the Directions of General Courts, the Resolution, or if your Lordships please, the Determination now proposed can affect no Man, and if there never was any other Order or Direction of a General Court for that Purpose, besides what we have seen, our Resolution can affect none but those who, without all Question, are guilty at least of an Error, for which they certainly deserve to be censured.

‘ I do consider, my Lords, that this House is a Court of Equity, but the Resolution moved for has Relation only to a Point of Law, it has no manner of Relation to Equity, nor can any Man be thereby debarred from having Relief in Equity, either before your Lordships, or before any of the Courts of Equity below; and therefore, if those Gentlemen should hereafter come to shew, that tho’ they neglected the due Forms of Law, they did nevertheless dispose of that Money in such a Manner as was most for the Benefit of the Company, I should not think myself any Way restrained by this Resolution from giving them all the Relief in Equity that their Case can deserve. And therefore I shall make no Scruple of agreeing to a Resolution which I think just, a Resolution which I really think absolutely necessary, because it will oblige those who are concerned to be at Pains to clear up, if they can, an Affair which is certainly as yet very obscure, and which your Lordships are in Honour obliged to see fully cleared up, if it be possible.’

Besides the *c.*, the Duke of Newcastle spoke against the D. of Newcastle Resolution,

Anno 6. Geo. II. Resolution, and the Earl of *Chesterfield* for it. At last the previous Question put, it was carried against the Resolution by a Majority of Five.

1733.

Earl of Chester-  
field. Next Day the Lord *Bathurst* stood up and spoke thus :

*My Lords,*

Lord *Bathurst*,

Notwithstanding all the Pains your Lordships have been at in your Enquiries as to the Disposal of the Produce of the forfeited Estates, of those who were Directors of the *South-Sea Company* in the Year 1720, I cannot say that I have met with any Satisfaction as to that Affair; I believe there is no Lord in this House who can say he has met with a full Satisfaction as to that Particular. It appears that the Accounts of that Company have been so blended together, and have been kept in so confused and irregular a Manner, that there is no coming at the Knowledge of any one Particular, without a thorough Enquiry into the Whole. From what already appears to your Lordships, I believe, you will be all of Opinion, that such a general Enquiry is now become absolutely necessary; because we are, in my Opinion, obliged in Honour to see the Affair relating to the Disposal of those Estates fully cleared up; and since we now see that there is no Possibility of doing it without a general Enquiry into the whole Affairs of that Company, we are, my Lords, in Honour engaged not only to enter upon, but to carry through that Enquiry with the utmost Exactness.

By the very first Act of Parliament that was made relating to this Affair, the Trustees were directed to give a particular Account, in Writing, to the King, and to either House of Parliament, of the Effects of their Proceedings. To what End, my Lords, were the Trustees directed to give such an Account? Must it not be to the End, that the King, and the two Houses of Parliament, should be as it were the Guardians of the Company, with respect to the Produce of those Estates? The Intention certainly was, that the King, the Lords, and the Commons should see that Money fairly collected, and honestly disposed of for the Benefit of the Proprietors of that Company, according to the Directions of that Act, or any future Act of Parliament that should be made for regulating the Disposal of that Money. This House therefore is in Honour obliged to see that it was honestly disposed of. In such a Case are we to satisfy ourselves with being told, that tho' the Terms of the Act of Parliament were not strictly complied with, yet the Money was equitably disposed of for the Benefit of the Proprietors; especially when this equitable Disposal comes out at last to be, a Disposal of it towards Payment of Debts, as to which no Man can tell how or when they were contracted? And, my Lords, I must observe, that it looks much the more suspicious,



suspicious, because that such a large Debt was paid off with- Anno 6. Geo. II.  
out any Orders or Directions of a General Court of that 1733.  
Company for so doing; if such Directions had been asked  
for, it may at least be presumed that the General Court  
would in their Turn have asked, how such a large Debt  
came to be contracted?

‘ Therefore, my Lords, as a general Enquiry into that  
Company’s Affairs is become absolutely necessary, and as it  
cannot be supposed that we shall have Time during this Ses-  
sion of Parliament, or even during any one whole Session of  
Parliament, to go through such a general Enquiry, I shall  
take the Liberty to move, That a Committee may be ap-  
pointed to examine into the Management of the Affairs of  
the *South-Sea* Company ever since the Year 1720, and for  
that Purpose to sit during the Recess of Parliament at such  
Places and Times as they shall appoint, and that they may  
have Power to send for Persons, Papers and Records.

‘ The appointing of such a Committee is, my Lords, a  
Method that in former Cases has been practised by both  
Houses; and if the other House thinks proper they may  
likewise appoint a Committee of their House, to sit in Con-  
junction with the Committee to be appointed by your Lord-  
ships, to the End that both Houses may, against next Session  
of Parliament, be made fully acquainted with all the Proceed-  
ings and Transactions in the Management of that Compa-  
ny’s Affairs. By this Method, my Lords, if there has been  
any Mismanagement, as it seems apparent there has, your  
Lordships will then be able fully and clearly to discover  
who have been the Authors of such Mismanagement;  
you will be able to distinguish between the Guilty and  
the Innocent: The Characters of the latter will there-  
by be vindicated from those Jealousies and Suspicions they  
now labour under, and upon the Guilty, I hope, your  
Lordships will inflict such Penalties as may prevent all such  
Practices for the future. This Committee which I now  
move for, ought, I think, to be chosen by Ballot, and may  
consist of any Number your Lordships shall please to appoint:  
seven will, I believe, be sufficient, and therefore I shall  
move for that Number.’

Then the Lord Carteret spoke as follows:

*My Lords,*

‘ I shall readily agree with this Motion, because I think we Lord Carteret  
have met with so little Satisfaction as to the particular Affair  
we have enquired into, that it is incumbent upon us, we  
are, out of that Regard which we ought always to have  
for the Honour and Dignity of this House, obliged, we are  
in Duty to our Country bound to proceed further, and to  
make a general Enquiry into the whole Management of that  
Company’s

Anno 6. Geo. 11.

1733.

*Company's Affairs*, ever since the Year 1726. The Creditors of the Publick ought always to be under the special Care of the Publick ; and as this House has joined with the other Parts of the Legislature in vesting almost the whole Debts of the Nation into the three Great Companies of *East-India*, *Bank*, and *South-Sea*, your Lordships are, I think, in Honour obliged to take Care, that the Creditors of the Publick shall not be cheated and defrauded by those, whom they may from Time to Time chuse to be the Directors and Managers of their Affairs.

‘ This, my Lords, ought always to be our Care, but more especially are we bound to look to it, when some very odd Pieces of Management appear even at the Bar of our own House. If the Books of the *South-Sea* Company had been kept in a distinct and regular Manner, it would have been easy for your Lordships to have had from them all the Satisfaction that could have been desired, either with Respect to the general State of that Company's Affairs, or with Respect to any particular Branch of their Business ; but from the Enquiry we have already made, it appears that the Books of that Company have been kept in a very confused and irregular Manner ; in such a Manner as is altogether unintelligible to those who are Strangers to the Management of their Affairs, and cannot, we find, be explained even by those who are the Book-keepers and Servants of the Company. From hence, my Lords, I think there is great Cause to suspect some lurking Frauds : In this, as well as in all such Cases, I am apt to believe, that this Obscurity proceeds from a Design ; that their Books were kept in this confused Manner on purpose to conceal some Practices, which the Managers durst not venture to expose to publick View.

‘ This Consideration alone is sufficient, in my Opinion, to engage your Lordships to enter into a general Enquiry as to the Affairs of that Company ; and since it appears that such an Enquiry must take up a very long Time, and will require an exact Scrutiny into many Volumes of Books of Account, I think the only effectual Way of carrying on such an Enquiry will be, to appoint a Committee for that Purpose, to sit during the Recess of Parliament, in order that they may have Time to prepare Matters, and to put the Accounts of that Company into as distinct and clear a Method as is possible between this and next Session of Parliament ; for which Reason I am for agreeing with the Motion made by the noble Lord near me.’

The

The Duke of Newcastle spoke next.

*My Lords,*

‘ I shall always be ready to join in any Measure which I think proper and consistent with our Constitution, for inquiring into the Management of any public Affair, when such Inquiry becomes necessary ; but as to the appointing of such a Committee as is now proposed, I must think it neither proper nor consistent with our Constitution. I even doubt, my Lords, if such a Committee can be appointed any other Way, than by an Act of Parliament ; for if this House should assume a Power of appointing such Committees, it would be giving in some Measure a perpetual Being to this House ; it would be putting it out of his Majesty's Power to prorogue the House, for if we did not sit as a House, we might be always sitting as a Committee ; we might delegate what Power we pleased to such Committees, we might make them of what Number we pleased ; we might even order that every Lord that came should have a Vote. If such a Committee should be appointed, it would not be easy, my Lords, to confine it to any particular Branch of Business ; it would not be easy to confine them to the Inquiring only into the Affairs recommended to them by the House, they might find Pretences to inquire into any other Affair they pleased, as being some Way connected with the Affair into which they had been appointed to inquire, and thus they might extend their Inquiries into all the public Affairs of the Nation, and into all the Business of the Administration. A Committee of both Houses sitting during the Recess of Parliament, with Power to send for Persons, Papers, and Records, and without any Restraint upon that Power, would be a most terrible Thing, and might be turned to the Oppression of many of his Majesty's best Subjects.

‘ But granting, my Lords, that the appointing of such a Committee, in the Manner now proposed, is consistent with our Constitution, yet, I believe, your Lordships will allow, that it is a very extraordinary Method of Proceeding, and therefore ought never to be practised but in Matters of the greatest Consequence, and such as require the utmost Dispatch, neither of which can be so much as pretended with respect to the Affair in Hand. It is so far otherwise, that, in my Opinion, there has Nothing of a Fraud appeared in the late Management of the *South-Sea Company's* Affairs, from any Inquiries we have made : It has, my Lords, been made appear at your Bar, that the Produce of the late Directors Estates was all applied to the Benefit of the Proprietors, by paying off the Company's Debts ; and if such Application was made without the Directions of a general Court, it was only a Mistake as to Form, it was only neglecting to have that ex-

Anno 6. Geo. II.

1733.

D. of Newcastle.

Anno 6. Geo. II.  
1733.

press Approbation, which the Directors might have had from any general Court of that Company ; and as that was a public Transaction, and well known to all the Proprietors, their never having found Fault with it in any general Court of that Company, held since that Time, is, in my Opinion, a tacit Approbation of what was then done.

‘ But, my Lords, if it had actually appeared to us, that there had been Frauds committed, if any of your Lordships are suspicious of such a Thing, you may, at the Beginning of next Session of Parliament, enter upon such an Inquiry, and if you enter upon it at the Beginning of a Session, you may certainly finish it before the End of the Session : In the mean Time neither the Affair itself, nor the Company, nor any private Person, can suffer by the Delay : It is not so much as suspected, that any Gentleman, concerned in the late Management of that Company’s Affairs, will withdraw ; and the Books of the Company, and all the Papers and Writings necessary for such an Inquiry, must remain in the State they are now in ? It is not to be supposed, that any of them will be altered, cancelled, or destroyed, because the Affairs of that Company are now under the Management of a quite different Set of Gentlemen, who, of Consequence, have the Custody of all those Books and Writings, and who will certainly never permit any Thing to be done, that may involve them in the Guilt of other Men.

‘ In short, my Lords, whatever State the Company’s Affairs may be in, as there does not appear to us any Complaint among the Proprietors of that Company ; since no Application has been made to us by them, I can see no Necessity for our entering upon it immediately, and, for that End, to make such an Encroachment upon our Constitution, as would be made by appointing a Committee in the Manner proposed, and therefore I cannot agree to it.

E. of Chester-  
field.

Then the Earl of *Chesterfield* spoke as follows :

*My Lords,*

‘ The appointing of such a Committee, as is now proposed, is, in my Opinion, no Way inconsistent with our Constitution, but, on the contrary, has been frequently practised, and is often necessary for preparing Things to be laid before the next Session of Parliament. From such a Committee there is nothing to be dreaded by any but those who have been guilty of Crimes, and under a just and prudent Administration Criminals ought never to be left at Ease ; it ought always to be the Lot of the Guilty to be under continual Fears and Apprehensions ; it is what they always will be, whether we appoint such a Committee or no. It will be impossible for this House, or any Committee we shall appoint, to inspect and examine so many voluminous Books of Accounts

counts, or to extract any Thing that may be clear and satisfactory, out of such a Heap of Confusion, during such a short Time as that of the usual Continuance of one Session of Parliament.

Anno 6. Geo. II.  
1733.

‘ As to there being no Application from the Proprietors, it is of no Manner of Signification in the present Case: It is well known that there are loud Complaints against the late Management of that Company’s Affairs, and from what we have seen and heard at our own Bar, it appears, that these Complaints are not altogether groundless. Our having had no Application from the Proprietors of that Company made to us, is, I think, so far from being an Argument against our entering upon an Inquiry, that it is a strong Argument for it; considering what we hear without Doors, considering what we have seen within Doors, the Want of such an Application ought to be to us a convincing Proof, that most of those who usually compose the general Courts of that Company, are under an Influence which prevents their looking into their own Affairs. But consider, my Lords, that, among the Proprietors, there are many Widows and Orphans, there are many Persons who cannot appear at general Courts, or look into the Management of their own Affairs; these, my Lords, are properly under your Care, and I hope your Lordships will never think that Time ill spent, which is spent in doing what may prevent the entire Ruin of the Widow and the Fatherless.

‘ From Experience we may learn, that the Proprietors of publick Stocks never come to either House of Parliament to complain, till their Affairs are past Redress; as long as they can sell their Property at any Price, they are afraid of applying for Redress, lest the current Price of their Property should thereby be diminished; and therefore they never come to complain as long as there is any Thing left. Then indeed, my Lords, they resolve upon applying to Parliament, and, upon such Occasions, we generally find that Women and Children are the greatest Sufferers.

‘ To conclude, my Lords, as neither your Lordships nor the Publick have received any Satisfaction from the Inquiry hitherto made, it is become necessary for us to appoint such a Committee as has been moved for, because if this Session should break up without proceeding any further than we have yet done, it will be believed that the whole Affair is at an End; from thence, my Lords, there may be Conjectures made by the Publick, which may be derogatory both to the Honour and Dignity of this House, and therefore I am for agreeing with the Motion the noble Lord by me was pleased to make.’

The Earl of *Strafford* declared, that he was for the Motion of *Strafford*.



Anno 6. Geo. II.  
1733.

Ld Bathurst.  
Bp of Lincoln.  
E. of Ilay.  
E. of Warwick.  
Ld Falmouth.  
Bp of Bangor.

Motion for appointing a Committee of Twelve to inquire into the Proceedings of the South-Sea Company.

Protest on a Negative being put thereon.

tion, but said, that as the last Committee of that Nature had consisted of twelve Lords, therefore he would propose that the Motion should be for appointing a Committee of Twelve ; which the Lord *Bathurst* agreed to. The Bishop of *Lincoln* spoke for the Motion, and the Earls of *Ilay* and *Warwick*, the Lord Viscount *Falmouth*, and the Bishop of *Bangor* against it ; and the Question being put, That a select Committee be appointed of Twelve Lords, to be chosen by Ballot, to examine into the Transactions and Proceedings of the *South-Sea Company*, from *Feb. 2, 1720*, and to lay their Report before the House ; it was resolved in the Negative. Content 70, Not-Content 75.

### *Dissentient'*

I. Because the present Debt of the Kingdom being almost wholly incorporated into the Three Great Companies, it behoves the Legislature who are the proper Guardians of the Publick Creditors, to take all possible Care that they suffer no Injury in their Estates, by any Frauds committed in the Management of them : For tho' the Directors are chosen by a General Court, they are invested with such extensive Powers, that they are capable, by abusing their Trust, of doing infinite Mischief to the Proprietors, unless their Proceedings are vigilantly watch'd and controul'd by that supreme Authority under whose Sanction they act, and by which only such Practices can be effectually prevented or punished.

II. Because this House having been induced, by the Reasons before-mentioned, to begin an Inquiry into the Management of the *South-Sea Company*, we apprehend, that our Honour is engag'd to answer those Expectations which the Publick had so justly conceiv'd from it ; and since the advanc'd Season of the Year will not permit us to finish this Examination during the present Session of Parliament, we apprehend a Committee was the only proper Way left to unravel such dark and intricate Affairs, which require a very nice Inspection into many voluminous Books ; it appearing to us, by what we have seen and heard at our Bar, that the Accounts of this Company have been kept in a very confus'd, irregular, and unwarrantable Manner, in order, as we apprehend, to conceal Frauds, and defeat all Inquiries.

III. Because the great Distresses and Calamities of the Year 1720, having been occasioned by the Directors, at that Time, declaring such extravagant Dividends as the Company was not able to support ; the Legislature have, in all their Acts relating to this Corporation, which passed since that Time, taken the utmost Care to prohibit and restrain the Directors from being guilty of the like Practices ; yet not-

notwithstanding this, they have been so far from taking Warning from the Examples made of their Predecessors, that it appears by the Accounts laid before the House, that although by the Cash which came into their Hands, and by the Sale of Four Millions of Stock to the Bank, and by the Loans of Stock and otherwise, they were sufficiently enabled to pay off the Debt of Five Million, Four Hundred Thousand Pounds then owing to the Company, as in Justice and Prudence they ought to have done; yet influenc'd, as we have Reason to believe, by the corrupt Views of some few, who may have assumed to themselves the whole Management of the Affairs of this Corporation, they left great Part of their Debt on Bonds at Interest unpaid, and by unwarrantable Dividends out of the Money, in order to give a fallacious Value to their Stock, Multitudes of His Majesty's Subjects have been defrauded; and they have without the Knowledge of the Proprietors, not only dissipated above 2,300,000 *l.* received from the Directors Estates, but they have likewise brought a new Debt of 2,000,000 *l.* upon the Company, and thereby diminished the Capital of every Proprietor's Stock, by which means great Injury and Injustice have in numerous Instances been done to Orphans and the Reversionary Heirs of those Estates, to the great Dishonour of the Publick Faith, and Discredit of the Nation.

IV. Because although the Directors applied to Parliament in the Year 1727, for their Authority to dispose of the Produce of the Estates of the forfeiting Directors, pretended to be then remaining in their Hands; yet it appears by the Accounts now before us, that the greatest Part of this Money had been before actually divided out in extraordinary Dividends; and when, in order to give some Colour to these Proceedings, they obtained an Act of Parliament to dispose of these Estates, they never called a General Court to acquaint them with the State of this Account, or to take their Directions for the Application of any remaining Part of these Estates, notwithstanding they were expressly requir'd so to do by the said Act.

V. Because there is Reason to believe, from a general View of the same Accounts, that there are many Articles, hitherto unexamined, under which a Multitude of Frauds may be concealed, such as buying, selling, creating, and issuing of Bonds; employing irregularly the Cash of the Company which lay in their Hands, whilst the Proprietors were paying Interest for Money borrowed of the Bank; transacting Stock Abroad, and selling fictitious Stock at Home, with many other Practices of the like Nature, too long and various to be particularly explained: For these Reasons, we conceive, it was absolutely necessary to have appointed a  
Com-

Anno 6. Geo. II.

1733.

Committee, as the only Method to distinguish the few who probably are criminal, from many Gentlemen who may at present lie unjustly under the same Imputation, especially at a Time when a Bill was actually depending for dividing the Capital of this Company, Three-fourths into Annuities, and leaving the remaining Quarter to be a Trading Stock, with a large Debt and Demands upon it unliquidated, and the Value of it consequently unknown; which, should it pass into a Law, will, in all Probability, promote and encourage the infamous Practice of Stockjobbing, to the Ruin of great Numbers of his Majesty's Subjects.

VI. Because the other House have frequently appointed Commissioners to inspect the Publick Accounts during the Interval of Parliament, as the only practicable Method of arriving at any Knowledge in such Affairs; a Method, indeed, too much disused of late Years: We therefore apprehend, that no just Objection either was or could be made to a Committee, which is perfectly agreeable to the Nature of our Constitution, cannot be of any Prejudice to the Company, and, being confined to a particular Inquiry, can give no Grounds of Apprehension to any but those who are afraid it may lead to farther Discoveries of iniquitous Contracts and corrupt Bargains, in the Settlement and Transactions of this Company since the Year 1720, which some Persons have endeavoured with so much Industry to conceal.

VII. Because we think it highly expedient, at this Time, to vindicate the Publick Faith of the Nation, lest Foreigners should be induced, by the many Instances of Fraud and Corruption which have been of late discovered in other Corporations, suddenly to draw their Effects out of our Funds, and thereby totally destroy Publick Credit, and plunge us into inextricable Difficulties.

VIII. Because the Arts made use of to divert us from our Duty, and to defeat this Inquiry, give us Reasons to prosecute it with fresh Vigour; for Impunity of Guilt (if any such there be) is the strongest Encouragement to the Repetition of the same Practices in future Times, by chalking out a safe Method of committing the most flagitious Frauds under the Protection of some corrupt and all-screening Minister.

IX. For these Reasons we think ourselves under an indispensable Obligation to vindicate our own Honour, by leaving our Testimonies in the Journals of this House, that we are not under the Influence of any Man whatsoever, whose Safety may depend on the Protection of Fraud and Corruption; and that we enter'd upon this Inquiry with a sincere and just Design of going to the Bottom of the Evil, and

and applying to it the most proper and effectual Remedies. Anno 7. Geo. II.

*Bedford, Strafford, Bathurst, Litchfield, Suffolk, Shaftesbury, Winchelsea & Nottingham, Craven, Tweeddale, Cobham, Coventry, Stair, Montrose, Bridgewater, Thame, Chesterfield, Carteret, Berkshire, Bruce, Marchmont, Mafham, Gower.*

1733-4.

On the 11th of *June*, the King came to the House of Peers, and prorogued the Parliament to the 26th of *July*.

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The Parliament prorogued.

The SEVENTH SESSION of the FIRST PARLIAMENT of King GEORGE II.

ON the 17th of *January* the King came to the House, and open'd the Session with a Speech * to both Houses. The King being withdrawn, the Lord *Hervey* mov'd for an Address of Thanks; and being seconded by Lord *Cadogan*, the Motion was agreed to without Opposition: The Earl of *Chesterfield* only declar'd his Desire, that no Words or Expressions that might be put into their Address, should afterwards be made use of, either for or against any Proposition that might afterwards be made, or any Question that might arise in that House. Then a Committee was appointed to draw up an Address, which was presented to his Majesty the next Day, as follows:

Ld Hervey's Motion for an Address of Thanks for the King's Speech at opening the Seventh Session.

Ld Cadogan. E. of Chesterfield.

* *Most Gracious Sovereign,*
W E your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, beg Leave, in the humblest Manner, to return your Majesty our grateful and sincere Thanks for your most gracious Speech from the Throne.

' Your Majesty has given too many Proofs of your good Offices and Endeavours to preserve the public Peace and Tranquility, for us not to be thoroughly persuaded, that Your Majesty cannot, regardless and unconcerned, behold a War now unhappily begun in *Europe*, undertaken by so powerful an Alliance, and prosecuted with so much Vigour. And as no Occasion can require more Caution, more Wisdom, and more Circumspection, than the present, to dictate what Part is the most proper for *Great Britain* to act; so we have the fullest Satisfaction in reflecting, in whose Breast it lies, to make that Determination for us.

The Address.

' And as your Majesty has avoided coming to any final Determination, till all Engagements, by which you are bound to the several Powers concerned, are duly examined, till

' all

* See Chandler's History of the Commons, Anno 1734, p. 1.

Anno 7. Geo. II.
1733-4.

all Facts are fully and fairly stated, and till the Result of the Councils of other Powers, in the same Situation with your Majesty, are known; so we cannot but look on this prudent Suspence of your Resolutions as an Earrest of our Safety in your Majesty's Councils; not doubting, but the same Wisdom which prompted your Majesty to delay your Determination, will also direct your Choice, whenever you shall come to make it.

The whole Series of your Majesty's Transactions, during your most glorious and happy Reign, has convinced us, that there is no Task to which you are unequal, nor any Difficulties you cannot surmount: We therefore beg Leave to assure your Majesty, not only of our Gratitude for your past, but our Reliance on your future Care; and intreat your Majesty to believe, that it is as impossible for us, who are benefited by the Merit of that Conduct, not to do every Thing in our Power to deserve it, as it is even for those who wish it less, not to allow it.

Whatever Expectations therefore, those who are envious of the Prosperity, jealous of the Honour, or Rivals to the Interest of the *British* Nation, may conceive from the Result of our Deliberations in Parliament; yet when all *Europe* shall see, that every new Opportunity we have of declaring our Sentiments, is a new Proof of the Harmony subsisting between your Majesty and your Subjects, and of the Confidence they place in you, we doubt not, but that all Hopes of Advantage to be taken from what shall pass amongst us, will be immediately dispelled, and that the Zeal, Vigour, and Unanimity, that shall appear amongst us, will not only double the Assiduity of those who court your Majesty's Friendship, but the Apprehensions of those (if any such there are) who may provoke your Resentment.

And because the surest Way, in these general Troubles and Commotions, to prevent any Design being formed to molest or annoy your Majesty's Dominions, is to shew how unsuccessful such a Design must prove; Nothing shall be wanting on our Part, that may conduce to the strengthening your Majesty's Hands, and putting the Nation, at this critical and important Juncture, in such a Posture of Defence, as shall effectually protect its Honour from any Insult, its Safety from any Danger, and its Tranquility from any Attempt to disturb it.

We beg Leave also to assure your Majesty, that the strict and due Regard we always pay to your Royal Recommendation, as well as a proper Concern for the Support of our own Characters and Dignity, will certainly make us avoid, with the utmost Caution, all Heats and Animosities in our Debates, that we may shew, with a becoming Unanimity, our Duty to your Majesty, our Care of the public Welfare,

and

and our Regard to the Interests and Liberties of the People : We will also prevent, as far as in us lies, any improper Delays retarding the Dispatch of public Business, or protracting the Session into any unnecessary Length, that your Majesty may not have the just Pleasure you propose to your self, in taking again the Sense of the Nation in a new Representative, postponed ; but that you may receive the earliest Demonstrations of the Goodwill of your People, and have the Satisfaction to see they are as capable of gratefully feeling that Happiness they enjoy under your Majesty's just and wise Government, as you are ready and willing to confer it.

Anno 7. Geo. II.

1733-4.

The King's Answer.

“ My Lords,

“ I Thank you for this dutiful and loyal Address. The His Majesty's
 “ Satisfaction you express in my constant Attention and Answer.
 “ Endeavours for preserving the public Peace and Tranquility, and promoting the Interests of my People, is extremely acceptable to me ; and as the Honour and Dignity of my Crown, and the Good of my Kingdoms, are my sole View, you may be assured of the Continuance of my Care and Vigilance for those desirable Ends, and of my firm Resolution, in all Events, to take such Measures as may best answer the Confidence you repose in me, and secure the Safety and Happiness of the Nation.”

On the 13th of February the Duke of Marlborough* presented to the House † a Bill, † *For the better securing the Constitution, by preventing the Officers of such Land-Forces,* D. of Marlborough's Motion for a Bill to regulate the Army.

1733-4.

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* He became Duke of Marlborough since the Sixth Session by the Death of Henrietta Duchess of Marlborough, in right of his Mother who was next Sister to her Grace, and one of the Co-Heiresses of John late Duke of Marlborough ; being before Earl of Sunderland.

† In the House of Peers, every Lord has the Privilege of presenting to the House any Bill he pleases to draw up ; which Bill is always read a first Time ; then the Lord that presented it, or some other, moves for a second Reading, upon which Motion a Debate ensues if any Lords in the House are against bringing in or passing such Bill.

† The following is a Copy of the Bill.

“ Whereas, no Standing-Army can, in Time of Peace, be raised, or kept up within this Realm, but by Authority of Parliament. And whereas the Safety and Liberties of this Nation do (in a great Measure) depend upon the Experience and Virtue of the Officers to whom the Command of the Army should be intrusted, whenever any military Force shall be judged proper to be raised or kept on Foot. Now, to the End that Persons of Fortune and Virtue may be encouraged to expose their Lives for the Safety and Liberties of their Country, and not be subject, by secret and malicious Representations, to be excluded or removed from their respective Posts in the Army, without any Charge or Pretence of Neglect or Breach of Duty, or without any Examination or Tryal whatsoever : May it please your most excellent Majesty, That it may be enacted, and be it enacted by the King's most

Anno 7. Geo. II. *as shall at any Time be allowed by Authority of Parliament,*
 1733-4. *from being deprived of their Commissions, otherwise than by*
Judgment of a Court Martial, to be held for that Purpose,
or by Address of either House of Parliament. His Grace

Debate thereon.

E. of Chester-
field.

introduc'd the Bill with a Speech, setting forth the Necessity of making some such Regulations in a Country which glories in the Name of Liberty, and where the People are so happy as to preserve that Freedom, after most of their Neighbours had lost theirs by the very Means, which he proposed to obviate by the Bill he then presented to the House. A Motion being made for a second Reading of the said Bill, several Lords called for the Question : Hereupon the Earl of *Chesterfield* stood up, and spoke as follows :

My Lords,

' As there seems to be some of your Lordships against the second Reading of this Bill, I am surpris'd to hear the Question so much insisted on, before any Lord who seems to be against a second Reading has stood up to give any one Reason for his being so. If any Motion is made, if any Bill is presented,

' most excellent Majesty, by and with the Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That from and after the Day of no Captain of any of his Majesty's Troops of Guards, or any Commission-Officer under them, nor any Colonel, Lieutenant-Colonel, or Major of a Regiment, or Captain, Lieutenant, Cornet, or Ensign of any Troop or Company, belonging to any Regiment, or of any Independent Troop or Company, or any Officer under them, having his Commission from the Crown, shall be cashier'd or removed (other than to an higher Post) or discharged from his Commission, or be deprived of the Pay belonging to the same, in any other Manner than is hereafter prescribed, any Usage to the contrary notwithstanding.

' And be it further enacted by the Authority aforesaid, That if any of the Officers before named shall be guilty of any Breach of Duty, or otherwise misbehave themselves in the said Offices, That then it shall and may be lawful for his Majesty, his Heirs and Successors, to grant a Commission under his or their Sign Manual, to any Officer, not under the Degree of a Field-Officer, to try such Person by a Court-Martial, in such Manner and Form, and subject to such Rules, Regulations and Methods of Tryal, as have been usually observed in Courts-Martial, for trying Persons for Neglect of Duty, or other Misbehaviour in the Army, and to cashier, remove, or discharge any Officer whatsoever, if such Court-Martial shall adjudge the same, any thing herein contained to the contrary notwithstanding.

' Provided always, That nothing herein contained shall extend, or be construed to extend, to hinder or prevent his Majesty, his Heirs or Successors, from disbanding, breaking, or reducing all, or any of the Regiments, Troops, or Companies now in being, or which shall or may be raised hereafter, when ever his Majesty, his Heirs or Successors shall think fit to disband or reduce the same.

' Provided also, That it shall and may be lawful for his Majesty, his Heirs and Successors, to cashier or remove any Officer whatsoever, upon an Address from either House of Parliament for that Purpose.'

presented to this House, were it an Affair of no Consequence, yet it is a Respect due to the noble Lord who makes the Motion, or presents the Bill, not to put a Negative upon it without giving some Reasons for so doing; but in the present Case it cannot be pretended, but that the Bill now presented to us is an Affair of the utmost Consequence; the Bill offered to us is, in my Opinion, not only a good, but a necessary Bill, and the noble Duke has given us so strong Reasons for its Passing, that I hope your Lordships will not so much as endeavour to put a Negative upon it, without first giving some Sort of a Reason for what you are about to do.

Such a Method of Proceeding, my Lords, is beneath the Dignity of this House, it will really look as if something else than Reason and Argument prevailed in this House; and if a second Reading of a Bill of such Consequence be in such a Manner refused, I am sure the World will conclude, that no good Reason could be given for so doing, which, of Course, must bring this House into the utmost Contempt, in the Opinion of the Generality of the Nation: This is a Consequence that, I am convinced, every one of your Lordships must think yourselves concerned in, and therefore I hope that some of those Lords who are to give their Negative to the second Reading of this Bill, will stand up and give us their Reasons for being of that Opinion: At present my Opinion happens to be different from theirs, but I now declare to them, that if sufficient Answers are not made to every Objection they shall start against the second Reading, I shall most readily quit the Opinion I am now of, and join with them in putting a Negative upon the Bill.

Hereupon Lord Hervey said,

Ld Hervey,

My Lords,

I am one of those, and I believe there are a great many more, who are against the second Reading of this Bill. I did not, 'tis true, rise up immediately after the Motion was made, to give my Reasons for being against a second Reading, because I thought the Bill was of a Nature so very extraordinary, and the Objections to it so strong and so evident, that I thought it unnecessary for me or any other Lord in this House, to give himself or the House the Trouble of explaining them: But since the noble Lord, who spoke last, insists so much upon it, in order to satisfy him, I shall give some of those Reasons which prevail with me to be against a second Reading of the Bill now before us; and if either that noble Lord, or any other, can give sufficient Answers to those Reasons, I shall most readily join with those noble Lords who are for reading this Bill a second Time.

With me, my Lords, one of the principal Objections against the Bill is, that I look upon it as an open and a direct

Anno 7. Geo. II. Attack upon the Prerogative of the Crown. It is an Attack upon a Prerogative which his Majesty and his Ancestors have enjoyed ever since our Monarchy had a Being; and we all know how nearly connected the Privileges of this House are with the Prerogatives of the Crown; we know, my Lords, that the last open and direct Attack that was made upon the Prerogatives of the Crown, ended in the total Subversion of our Monarchy, and an entire Dissolution of this House; and therefore I cannot but be surprised to see a Bill of this Nature brought first into this House: If such a Bill had passed the other House, and had been sent up to us from thence, I do not doubt but that every one of your Lordships would have easily seen thro' the Design; you would have seen the Snare that was laid against the monarchical Establishment of our Government, upon which the Privileges of every Lord in the Nation absolutely depend; this would have given your Lordships a just Alarm; and this, I doubt not, would have made you receive such a Bill in the Manner it deserved.

' I have often heard, my Lords, of a Compact between the King and the People, and a Compact upon which, it is said, our Constitution and Government depend; if there be any such, the Nature of it must certainly be mutual. On the one Part our Kings are obliged not to usurp or encroach upon the Liberties and Privileges of the People; but surely there must be a Counter-part, and by that there must be an Obligation upon the People not to usurp or encroach upon the Powers and Prerogatives of the Crown; for it would be a very unjust Compact, if on the one Hand, the King was most strictly tied down, and on the other Hand, the People left at full Liberty to encroach as often, and as far, as they pleased upon the Prerogatives of the Crown. This cannot be the Case; the Compact must be mutual; and as his present Majesty has never once attempted, nor desires, in the least, to encroach upon the Liberties or the Privileges of the People, it would be very unjust and unfair in us to make any Encroachment upon him: Nay, it would be most unwise, and might be attended with the most fatal Consequences; for a Breach of Covenant upon one Side would dissolve all the Covenants on the other, which would at once unhinge the Whole of our Constitution.

' It has been always thought necessary, my Lords, to give our Kings the sole Power, of naming, preferring, and removing, at Pleasure, the Officers of our Armies, in order to give our Kings that Power and Influence over our Armies, which is absolutely necessary for supporting and promoting a proper military Discipline among them, without which they would be of no Use against a foreign Enemy, and might soon become most oppressive to the People, for whose Safety they were

were raised and maintained. This Power was thought so necessary at the Time of the Revolution, and it was then thought to be of so little Danger to the Freedom of our Constitution, that at that Time, when the Liberties of the People were fully considered, when every Thing was removed that could be of dangerous Consequence to them, there was not the least Mention made of taking this Power from the Crown, or even of laying it under any Restraints, and I do not know any Thing that has happened, which can give us the least Ground for being of an Opinion different from that which was the Opinion of our Ancestors at that Time.

Armo 7. Geo. II.
1733-4

‘ The Happiness of our Constitution, my Lords, depends upon that equal Division of Power, which is established among the three Branches of our Legislature : The executive Power, and the defending of the People against their Enemies is now and always has been, entrusted solely with our King ; and as long as the Execution of the Laws, or the Defence of the People against their Enemies, foreign or domestick, is entrusted with the King, it must always be absolutely necessary to give our Kings proper Powers for those Purposes ; the supreme and ultimate Determination of all Disputes about Property is lodged solely in this House ; and the Raising of Money for the public Use, or laying Taxes upon the People, is what now seems to be principally the Province of the other House. Thus the three Branches of our Legislature are a Check upon one another, which prevents its being in the Power of any one of them to oppress the People, or to destroy the other two. Under this Establishment we have been happy for many Ages, under this the Nation has grown up to a very high Pitch of Riches and Power, and while this Establishment continues, it is more than probable, we shall always be happy.

‘ But, my Lords, by the Bill now before us, we are to establish a fourth Power, a new Sort of Power, which, I am persuaded, would soon become independent of the other three. This is making a most considerable Alteration in our Constitution ; an Alteration that may be attended with such fatal Consequences, that it makes me tremble to think of it : To establish a General for Life at the Head of a well-disciplined Army, commanded by Officers who could not be removed, but by the Consent of one another, would soon put it in the Power of that General, to make himself Master both of King and Parliament : The Transition from *Dux* to *Rex* would soon become easy for him ; by this the Constitution might be entirely overthrown, and the Nation might be involved in a Multitude of Calamities.

‘ ’Tis true, my Lords, that by what is proposed in the Bill now before us, an Officer may still be removed from his Command

Anno 7. Geo. II.

1733-4

Command in the Army, upon an Address from either House of Parliament ; but as the Parliament cannot be kept always sitting, this Address could not often be speedily obtained ; and if an Officer should be discovered to be conspiring the Overthrow of the Government, and should, notwithstanding, be continued in his Commission, and in the Possession of that Power in the Army which he had, by Virtue of his Commission, 'till the next Session of Parliament, both Houses might, perhaps, address for turning him out ; but his Power in the Army might by that Time be so well established, that it would be out of the Power of both King and Parliament to divest him of his Command ; and as for a Tryal by a Court-martial, I believe, it would not be so much as pretended, that a Sentence could be got against such an Officer, or indeed against any Officer, who had a great Influence in the Army : It is not to be presumed, that Officers would be ready to condemn one another, unless it was for a Crime which they themselves could no Way approve of, especially when they knew that they could not be removed by any other Authority.

‘ Since then, my Lords, I can see no Manner of Occasion for the Regulation now proposed, since I am of Opinion, that it would be a great Injury done to his Majesty, that it would tend to destroy all military Discipline in the Army, and would greatly endanger, if not totally subvert our happy Constitution, I cannot therefore agree to the giving it a second Reading.

E. of Orrery.

E. of Cholmondeley.

M. of Tweedale.

D. of Newcastle.

The Earl of *Orrery* spoke next for the Question, the Earl of *Cholmondeley* spoke against it, the Marquess of *Tweedale* for it, and then the Duke of *Newcastle* stood up, and spoke as follows.

My Lords,

‘ As I shall certainly give my Vote against the second Reading of this Bill, I must beg Leave to give some of my Reasons for so doing. I must be of Opinion, my Lords, that it will always be proper to leave in his Majesty a Power of removing the Officers of the Army at Pleasure in order to preserve that Respect and Obedience which is due from them to their King ; but I am the more firmly of this Opinion, when I consider, that there is at present a *Pretender* to the Crown of these Realms ; for while there is such a Misfortune hanging over us, we may conclude, that there always will be Plots and Contrivances in this Kingdom against the Person in Possession of the Throne ; and while there is a *Pretender*, he may have, without all Doubt, his Agents in the Army, as well as he has every where else : Under such Circumstances it is not to be doubted, but that some of the Officers may, at some Time or other, be drawn away from their Duty

Duty to their King and Country, some of them may happen to be misled, and drawn into Engagements against his Majesty's Person and Government; and while his Majesty is in such Danger, shall we put it out of his Power to remove those Officers from their Commands in the Army, tho' he has certain Information of their being in a Plot to overthrow his Government, perhaps even to take away his Life?

Anno 7. Geo. II.
1733-4

' This, my Lords, his Majesty may have most certain Information of, the Officers concerned in such Engagements may be made known to him, beyond all Doubt or Contradiction, and yet the Proofs may be such as would not prevail upon a Court-martial to condemn their Brother-Officer to Death, or even to be broke; or they may be such as could not properly, at least, at that Time, be laid before a Court-martial; because if they were laid before any such Court, the Informers, and all the other Methods by which the Plot was at first discovered, and the whole Progress of it traced, must then become publicly known, by which all further Discovery would be effectually prevented; and if the Bill now presented should pass into a Law, his Majesty would be under a Necessity of laying all these Proofs immediately before a Court-martial, or of allowing such treacherous Officers, perhaps, even one of his Chief-Generals, to continue in Command, by which they might probably be enabled to render their Conspiracies successful; for which Reason I hope, that none of your Lordships will approve of this Bill, when you consider how dangerous it may prove to be for our present happy Establishment, and how much it may weaken the Hands of the Government against any Attempts that may hereafter be made in Favour of the *Pretender*.

' Besides this, my Lords, there are many other Cases which might be mentioned, wherein his Majesty might have very good Reason to remove an Officer, though it would not be at all proper to make that Reason so public as to lay it before a Court-martial: There are likewise many little Crimes which an Officer may be guilty of, and for which he might highly deserve to be removed, and yet these Crimes may be such as could not well come under the Cognisance of a Court-martial; at least it would not be possible to obtain a Sentence of a Court-martial for the removing of such an Officer; for when Gentlemen sit in Judgment upon a Brother-Officer, in order to determine whether he ought to be broke or not, it is to be supposed that they will not pass Judgment against him, unless some very enormous Crimes be fully proved before them; which would make it impossible to keep up that strict Discipline and regular Subordination, that must be observed in all regular Armies, or indeed in any Army fit for Service, or that may be depended on for the Defence of a Country.

Anno 7. Geo. II.

1733-4

‘ I must, indeed, say, my Lords, that if any Attempts had ever been made towards modelling the Army, and making it fit for any bad Purpose, there might then have been some Occasion for proposing such a Bill as this now before us ; but as no such Attempts have ever been made, as no such Attempts can be so much as apprehended from his present Majesty, I am therefore surprised to hear such a Bill so much as proposed in this House, at present. I am sure the passing of such a Bill, at present, would be a subjecting of the Nation to many great and certain Dangers and Inconveniences, for the Sake of avoiding an Inconvenience that has never been felt by any but in Imagination, and for this Reason I must be against giving the Bill a second Reading.

The Earl of *Chesterfield* spoke next.

E. of Chester-
field.

My Lords,

‘ I have before declared, that my Opinion was for reading this Bill a second Time ; I likewise said, I would alter my Opinion, if any Lord could give me a sufficient Reason for so doing ; but, from what has fell from the noble Lords who have spoke against the second Reading, I am so far from altering my Opinion, that I now think a second Reading of the Bill is absolutely necessary, even before we can enter into any Debate upon the Merits of it ; for all the Arguments that have been made use of against a second Reading, all the Objections hitherto made to the Bill, are founded upon Suppositions which are directly contrary to the Contents of the Bill.

‘ It has been said, that the Bill is a direct Attack upon the Prerogative of the Crown, and that it is designed for destroying, or at least diminishing, the Power of the Crown ; but, my Lords, if what is proposed in the Bill be duly considered, it will appear to be neither an Attack upon the Prerogative, nor so much as a Diminution of the Power of the Crown : There is no Power to be taken from the Crown, but that Power which the Crown ought never to make use of : It is certain, that the Crown ought never to take an Officer’s Commission from him, but for some very sufficient Reason, and upon a full Proof of the Facts alledged against him ; and therefore all that is proposed by this Bill, is only a Method, by which the Crown may get such an Information as to the Facts alledged, as may be depended on ; whereby the Crown may be secured against Impositions, and the Officers against private Misrepresentations, and false Accusations : It is, my Lords, to prevent the King’s being maliciously led into the doing a Piece of the highest Injustice to a faithful Soldier, and to prevent a good and a brave Officer from being whisper’d out of his Commission, and reduced to a starving Condition for no Crime, perhaps for a Piece of Behaviour

for

for which he ought to be highly rewarded. Can this, my *Anno 7. Geo. II.*
 Lords, be called a Diminution of the Power of the Crown? 1733-4
 Is it not plainly and directly grounded upon the fundamen-
 tal Maxim of our Constitution, which says, ' That the King
 ' of *England* shall have it in his Power to do as much Good
 ' as he pleases, but shall not have it in his Power to do Wrong.

' The Objections as to general Officers, is likewise, my
 Lords, founded upon a Mistake; for if the noble Lords had
 attended to the first Reading of the Bill, they must have
 known, that with Respect to general Officers, the Power of
 the Crown is to remain in the very same State it was in be-
 fore; the Regulation proposed by the Bill, is to extend no
 higher than Colonels of Regiments; and surely the continu-
 ing of the most designing and the most daring Men, in the
 Command of a single Regiment, for two or three Months,
 after a Discovery of his wicked Designs, can be of no danger-
 ous Consequence; even though the continuing him for that
 Time were, by this Bill, to be made absolutely necessary;
 but that is not the Case, which leads me to consider another
 Mistake, from which an Argument hath been drawn, and
 much insisted on by some of the noble Lords who have spoke
 against the Question.

' The *Pretender*, my Lords, I find, is to be lugg'd into
 this Question, as he has been into some others, in which he
 had very little to do, and the Danger the Nation lies expo-
 sed to from him is to be made an Argument for our not
 taking that Care of our Liberties and Constitution which
 we ought. I hope I am as little suspected of favouring any
 Designs from that Quarter, as any Lord in this House; if
 there were the least Ground for that Argument, it would be
 a most prevailing Argument with me for being not only a-
 gainst the second reading of this Bill, but for the rejecting
 of it with the utmost Disdain: But those Lords who make
 use of this Argument, seem not to take Notice, that the
 King is still to retain the Power of suspending and putting
 under an Arrest any Officer, or any Number of Officers, he
 pleases, and at whatever Time or Times he may think pro-
 per; and if the least Discovery should be made, that any
 Officer, or Number of Officers, were drawn into a Plot, in
 Favour of the *Pretender*, or into any other Plot against his
 Majesty's Person and Government, could not his Majesty
 immediately suspend all such Officers from their Commands
 in the Army? Could not he immediately lay them all un-
 der an Arrest? Nay, could not he immediately throw them
 all into a common Prison, or at least into the Hands of
 Messengers, and detain them there, 'till it should be found
 convenient to bring them to Tryal before a Court martial,
 or otherwise; or at least till the Parliament should be called.

Anno 7. Geo. II. in order to have an Address from this or the other House
 1733-4- for breaking such of them, against whom a legal and full
 Proof could not be obtained? Is it to be doubted, that
 either this House or the other, or, indeed, both, would re-
 fuse to redress his Majesty upon such an Occasion? And
 would not this as effectually disappoint all their Plots and
 Contrivances, as if his Majesty had immediately broke every
 one of those Officers who were at first represented to him
 as being concerned in that Plot.

‘ This Bill has been represented to us as if it would de-
 stroy that Influence which his Majesty ought always to
 have in the Army, and annihilate that Respect and De-
 pendence which the Officers ought always to have upon
 the Crown: But this, my Lords, seems likewise to be foun-
 ded upon a Mistake, or at least upon an Oversight; for,
 notwithstanding any Provision in the Bill now before us,
 the Power of naming and preferring the Officers of the Ar-
 my is to remain absolute in the Crown; and besides there
 will be many other ways left, by which the Crown may
 secure the Respect and Dependence of all the Officers in
 the Army; so that there is nothing in this Bill, nor any
 thing designed by the Bill, that can possibly diminish that
 just and due Influence which the Crown ought to have in
 the Army. The Hopes of Preferment alone are sufficient
 for influencing every Officer to do his Duty, and to shew
 that Respect which is due both to the Crown, and to his
 superior Officers: They may not, indeed, be sufficient for
 influencing an Officer to act contrary to his Duty, both as
 to his King and Country, by obeying the private Com-
 mands of a wicked Minister; but this, my Lords, and this
 only, is what is by this Bill proposed to be guarded against.
 All that is proposed is, only that no Minister of State shall
 hereafter have it in his Power to tell an Officer of the Ar-
 my, in a Case that perhaps no way regards Military Dis-
 cipline, Sir, — you shall do so or so, — or starve!

‘ Thus, my Lords, I think I have shewn, that all the
 material Objections against the second Reading of this Bill
 are founded upon Mistakes, as to the Nature of it, which,
 in my Opinion, is a most convincing Argument for giving
 it at least a second Reading. There has indeed one or two
 other Arguments been made use of, which I am greatly
 surprized at. It has been said, that there are several Crimes
 an Officer may be guilty of, which cannot properly be
 brought before a Court-martial; or at least where Justice
 upon the Offender could not well be expected from a Court-
 martial: Here indeed I am quite at a Loss, for I know of no
 Military Crimes but what may properly be brought before a
 Court-martial, and unless it be such Crimes as are proper for
 the

the Cognizance of our Spiritual Courts, I do not know any other, but where the most severe and impartial Justice has always been given by, and may always be expected from a Court-martial: I am sure, that if any Officer be guilty of Cowardice, of Neglect of Duty, or of any Crime, or Action, that is in the least dishonourable, the most strict Justice may always be expected from a Court-martial; nay, so severe have the Officers of our Army always been, in such Cases, upon one another, that for some Failings, which the Crown has overlook'd, which the Generals have so far overlook'd as not to bring them before a Court-martial, yet the Officers themselves have taken Notice of them, and have refused to roll or to serve with the Man who has been guilty of them; and therefore to pretend, that Martial Discipline could not be kept up in the Army, if Officers could not be broke or removed but by a Court-martial, is an Argument founded upon a Supposition, which is directly contrary to Experience.

The other Argument, which surprizes me, is an Argument founded upon a new Sort of Doctrine; a Doctrine by which we are taught, that the Prerogative is never to be touched in the least; you are never to make any Law for regulating the Prerogative in any Branch; the Compact between King and People must be mutual; the People must be as much obliged not to inroach upon the King's Prerogative, as he is obliged not to inroach upon their Privileges. As to the Compact's being mutual, and the Parties equally bound, I shall my Lords, easily grant; yet that can be no Bar to our making as many Acts of Parliament as we please for regulating, or even restraining the Prerogative, because to every such Act the King gives his Consent, and surely all the Persons concerned in a Compact may, by their mutual Consent make what Alterations in it they please: And so the Case is; we have, by Acts of Parliament, made many Alterations with Regard to the Prerogative; and I believe every one of your Lordships will grant, that it is to these Alterations that we owe the Liberty we now enjoy. The Prerogative has been often restrained and limited, or at least brought back to its primitive Institution. Was not the *Mutability Act* a most noted, and a most useful Limitation of that Prerogative which our Kings then pretended to? Did not our Kings formerly pretend to a Power and Prerogative of removing the Judges at Pleasure? But this Prerogative was found to be inconsistent with the Liberties of the People, and therefore, by the Claim of Right, an Alteration was made as to that Part of the Prerogative. And as to that Part of the Prerogative now insisted on, it is well known that it has grown up of late Ages, for by our primitive Institution,

Anno 7. Geo. II.

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Institution, the King could not remove the Officers of the Army: The Nobility and the Barons of the Kingdom were the proper Officers, and each of them led out to War, and commanded his own military Tenants, so that their Commands in the Army depended upon their Tenures, from neither of which the King could remove them, without their being legally found guilty of a Crime; and from the Writings of the learned Judge *Coke*, who, I believe, will be allowed to have understood our ancient Constitution, we may learn, that of ancient Times the Freeholders of each County chose their Leader in War, as well as they did the Sheriffs and other Officers for Times of Peace. * And therefore what is now proposed must appear to be so far from being an Attack upon, or a Diminution of, the ancient Prerogative of the Crown, that it does not near bring the Prerogative back to its primitive Institution.

† It has been said, that at the Revolution no such Provision was made as is now proposed; Very true, my Lords; but the Reason was, because before that Time we never had such a Thing as a legal standing Army; we had, indeed, a few regular Troops, but they never, I believe, amounted to 4000 Men, which could not properly be called an Army; so that it was impossible we could think of making any Regulation about a Thing which was not then in Being: And moreover it cannot be said, that at the very Time of the Revolution, the Liberties of the People were, or, indeed, could be, fully considered; it cannot be pretended, that every Thing was then removed that might be of dangerous Consequence to them, for do not we know, that even since that Time some Regulations have been made, with Respect to the Prerogative? Even that remarkable Regulation of triennial, or, or as we have them now, septennial Parliaments, was not made till some Time after the Revolution; and yet it must be granted, that this was not only a great, but a necessary Diminution of the Prerogative, in order to secure the Liberties of the People: It is not in the Power of Man, my Lords, to foresee all the Evils, and all the Inconveniences that may afterwards arise, and therefore it is impossible for Men to provide proper Remedies against them all; we can provide against them only by Degrees, and as they happen to come under our Observation.

‡ The Evil which is proposed to be remedied, or at least prevented, by the Bill now before us, is what has been long under the Observation of most Gentlemen in the Kingdom, and therefore, my Lords, I am extremely surprized to hear it said, that no Examples have happened which could give
Occasion

Occasion for such a Bill as the present. Is it not well known, Anno 7. Geo. II.
1733-4. that we have had several Examples of Officers turned out of their Commissions, only for not being submissive to the Ministers for the Time being? Do not we all know, that in the End of the late Queen's Reign, there were Numbers of Gentlemen turned out of their Commissions, without any Reason, without any Crime so much as alledged against them? Do not we know, that, even in the late King's Reign, there were a great many brave Officers removed, without being guilty of any Crime, at least, I am sure, they were not guilty of any Military Crime, no not so much as of a Neglect of Duty; they could not even be accused of any want of Respect to the Crown; the whole, I believe, of what could possibly be laid to their Charge was, that they were not, perhaps, so submissive to the Prime Minister, as he thought he had Reason to expect. These Removes were, at that Time, my Lords, so much taken Notice of, that it occasioned a very great Debate upon the Mutiny-Bill, both in this and the other House of Parliament: I was then, my Lords, in the other House, and I well remember, that it was there strongly insisted on, as an Objection against that Clause of the Bill, by which Officers are made Judges in Cases of Life and Death, that it was very improper they should be Judges in any such Case, as long as their Commissions entirely depended upon the Crown, and might be taken from them whenever a Minister had a Mind.

'And, my Lords, though his present Majesty's Justice and Prudence be known to the whole World, yet we find, that even he has been prevailed on, by what Means I do not know, to remove two Officers, both Members of this House, neither of whom, in so far as I can hear, has ever yet been accused of any Crime, or of any want of Respect to the Crown; no, not so much as of a Neglect of Duty. What I am now on is, I know, my Lords, a tender Point, I am sorry I am obliged to mention it; and I would avoid it, if I did not know my Heart to be so warmly affected to his Majesty, that I am sure it will not allow my Tongue to say any thing unbecoming of him. If there is any Fault, I am sure his Majesty is not to blame: If the two noble Lords were removed without a sufficient Cause it could not proceed from any thing that was wrong in his Majesty: It must have proceeded from some Misrepresentations, or some private and malicious Accusations, which his Majesty has not yet discovered to be false; but when he does, we may depend on it, he will do Justice to the two noble Lords, who have been injured, and will severely punish those who have been guilty of giving him a false and a malicious Information: This, my Lords, we may most certainly expect from his Majesty; but this

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this shews, that even out of that Regard which we ought to have for the Crown, we ought to agree to the Bill now before us; because it will, for the future, put it out of the Power of any Person to impose upon the Crown, by any false Surmises, or malicious Misrepresentations.

‘ I think, my Lords, I have left no Argument against the Bill unanswer’d, but that most extraordinary one, of its being Time enough to guard against the Evil of modelling an Army for any bad Purpose, after it has once happened: I hope it will be granted me, that the modelling of an Army for the private and particular Purposes of a Minister, or Ministry, is as bad a Purpose as any that can be imagined; and I think I have shewn, that such a Modelling was actually set on Foot in the End of the late Queen’s Reign, and something like it happened even in his late Majesty’s Time; and therefore it must be granted, that it is now high Time to think of guarding against it; but if it be meant, that nothing like it has happened in his present Majesty’s Time, the Argument will be still more extraordinary, for does not every one know, that before such a Bill can pass into a Law, the King at that Time upon the Throne, must give his Consent to it, and if any King, by the Advice of an evil Minister, should once actually begin to model his Army, would it not be ridiculous to expect the Consent of that King to a Law for putting a Stop to what he had actually begun; so that his Majesty’s never having attempted any such Thing, is one of the strongest Arguments for our passing the Bill now before us; because it is only from such a just and such a gracious King as the present, that the Royal Assent to such a Bill can ever be expected.

‘ I hope, my Lords, I have now fully shewn the Weakness of all the Objections that have been made to the Bill: But as to the Arguments for it, they are strong, they are convincing: I shall only touch upon that one, which I think has the greatest Connexion with the Nature of our Constitution. It is well known, my Lords, that there are many Officers of the Army who have nothing, or, at least, very little, to subsist on, but their Commissions; and it is likewise well known, that there are many Gentlemen of the Army now in both Houses of Parliament: There are now, my Lords, more Officers of the Army in each House of Parliament than there were when we had on Foot an Army of above sixty thousand Men: These are Facts which will not, I believe, be controverted. It is, I do not know how, become, of late Years, a prevailing Opinion, that the only best Way of getting Preferment in the Army, is to have a Seat in this or in the other House of Parliament: This, ’tis true, my Lords, must be an erroneous Opinion: It is impossible
that

that any Man can justly and honourably acquire any Preference in the Army by his Behaviour in either House of Parliament, and therefore this must be an Opinion for which I hope there never was any Ground; I am sure there can be no Ground for it under his present Majesty; but erroneous as it is, it is become a general Opinion, and we know that Mankind always were, and always will be governed and influenced by general Opinions and Prejudices; and according as the Prevalence of this Opinion increases, we may expect an Increase of the Number of Officers in both Houses of Parliament.

Anno 7. Geo. II.
1733-4

' We may expect, my Lords, that, in future Times, as soon as any Gentleman has once got a Commission in the Army, he will next employ all his Money and Credit, and all his Friends, to procure himself a Seat in Parliament; he will, perhaps, pawn the last Shilling's Worth he has in the World, besides his Commission, in order to procure himself a Seat in the other House of Parliament, and how dangerous it may be to our Constitution, to have such a Man depending for the Continuance of that Commission, upon some future enterprizing Minister, I leave to your Lordships to judge. No Man has a better Opinion than I have of the Gentlemen who are at present the Officers of our Army; but I must say, that I think it too hard a Tryal, even for their Virtue, especially in this degenerate Age, to leave it in the Power of a desperate Minister, to tell them, upon Occasion of an important Question in Parliament, If you do not vote, Sir, as I direct you, you shall starve.

' Your Lordships are, I am sure, all convinced, that the Happiness, the Essence of our Constitution does not depend upon outward Forms, but upon Realities. Our Constitution does not depend upon our having always a Parliament, but upon that Parliament's being independent of the Administration; upon its being in the Power of Parliament to examine severely, and judge impartially the Conduct and the Measures of those employed in the Administration, to represent the Grievances, and watch over the Liberties and the Properties of the People of this Nation, and to take away evil Counsellors from before the King; but if ever a Majority of both Houses of Parliament should come to be composed of Gentlemen, whose daily Bread, or at least their chief Support, depended entirely upon the Favourites of the Crown, can it be imagined that it would then be in the Power of Parliament to examine freely, or judge impartially, the Conduct of those Favourites; to relieve the People from the Oppressions brought upon them by such Favourites; or to tell their Sovereign any ungrateful Truths about those whom he had thought fit to employ as his Ministers? Would
not

Anno 7. Geo. II. not an arbitrary Negative be then put upon all such Questions
 1733-4. in Parliament? Would not the best Designs of the uncorrupted and independent Few be baffled by a corrupt and slavish Majority? And shall any Question which tends towards the preventing of such a Misfortune, have now the ill Fate to be rejected by your Lordships?

• The Bill now before us is so far from being an Attack upon the Prerogative, that it is in the very same Terms with a Bill drawn up in the very last Reign, by as able and as honest a Minister * as ever served the Crown: He was indeed an honest and a disinterested Minister, for he had the Happiness of his Country so much at Heart, that he neglected his own, and has left little else to his Son, but the Honour of having a Seat amongst your Lordships: The Bill, I say, my Lords, was not only drawn up, but even his late Majesty, who never could be accused of allowing of any unjust Encroachments upon the Crown, had, by the Advice of that Minister, agreed to its being brought into Parliament: And if it had been brought in that Time, which was, I do not know how, prevented, not only the Ministers of the Crown were ready to have supported it, but the King himself was ready to have given it the Royal Assent, as soon as presented to him for that Purpose. This, my Lords, I know to be true, and therefore I am the more surprised to hear the offering of such a Bill now represented as an Attack upon the Prerogative, an Affront to the King.

• We all know, my Lords, that there is nothing proposed to be done by this Bill, but what has been done in every Country, where there are any Remains of Liberty left. In *Holland*, no Officer was, I believe, ever removed but by a Court Martial; I do not remember that ever any was, nor do I know any other Way, by which an Officer can be broke or removed in that Country. In *Sweden*, as soon as they recovered their Liberties, by the Death of their late heroick King, they established this Rule amongst them, that no Officer should be removed or broke, but by a Court-Martial, or by the King with the Consent of the Senate. And in *Poland*, their late King having made long and repeated Remonstrances to the States of that Kingdom, to have a Body of regular Troops raised, and kept up, the States at last consented to it: But how did they consent? They agreed indeed to the raising of the Troops asked for, but with this Regulation, that all the Officers should have their Commissions for Life, which was a wise and a necessary Regulation; but whatever Designs or Views the Court of *Poland* had in asking for those Troops, they found, that the raising of them, and keeping them up under that Regulation, would so little

answer

answer the Ends they thereby had propos'd to themselves, Anno 7. Geo. II. that they never put the Ordinance, which they had so strongly solicited, in Execution, nor was there a Man rais'd upon that Foot. In short, my Lords, the Regulation intended by this Bill, is a Regulation that has been thought necessary in all free Countries; in this, I think, it is absolutely necessary for the Preservation of our Constitution; I can see no reasonable Objection that can be made to it, and therefore I shall still be for a second Reading.

The Lord Willoughby de Broke, and the Earl of Abingdon spoke in Favour of the Bill, and then the Question being put, it was carried in the Negative.

Ld Willoughby
de Broke.
E. of Abingdon.

Content	49	} 62	Not-Content	78	} 100
Proxies	13		Proxies	22	

Dissentient

I. Because the Exigence of Affairs in Times past, or Complaissance of former Parliaments, have, for several Years, occasioned the Keeping up a considerable Body of Land-forces in this Kingdom; and, as various Events may happen, to oblige future Parliaments to pursue the same Measures, which Nothing but the utmost Necessity can justify, they being repugnant to the Nature of our Constitution, and dangerous to the Liberties of a free People; and, as the whole Disposition of the said Forces is absolutely in the Crown, we cannot but think it highly reasonable, that when so great an Increase of Power and Influence, which was formerly occasional and rare, comes to be annually vested, and constantly exercised by the Crown, that some such Limitations, as are proposed by this Bill, are not only proper, but necessary. And we are confirmed in that Opinion, by the Doctrine so often and so strongly laid down in this House, that the greatest Danger to this Nation, from a standing military Force, must arise from the Abuse of the Power, which now subsists, of cashiering Officers, without any Crime prov'd or alledg'd, and of garbling the Army at Pleasure. And we heartily wish, that Nothing had since happened to put us in mind of that Doctrine.

II. Because the employing or removing of all general Officers would have been left in the Crown, if this Bill had pass'd into a Law; for the enacting Clauses were only to this Purpose, That no Colonel, or other Officer of inferior Degree, having his Commission from the Crown, shall be cashier'd or remov'd (other than to a higher Post) or discharged from his Commission, or be deprived of the Pay belonging to the same, in any other Manner than by a Court Martial, to be appointed by a Commission under his Majesty's Sign Ma-

Protest on the
said Bill's being
refus'd a second
Reading.

Anno 7. Geo. II. nual to any Officer, not under the Degree of a Field-Officer :

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At the same Time there is a Provision in the Bill, that Nothing shall extend to prevent his Majesty, or his Successors, from disbanding, breaking, or reducing all, or any of the Regiments, Troops, or Companies now in Being, or which shall, or may be rais'd hereafter. And it is further provided, That his Majesty and his Successors may remove any Officer, upon an Address of either House of Parliament. We conceive therefore, that, as these Posts would still have remain'd, upon all Vacancies, in the sole Disposal of his Majesty, and that the Persons now possessing them are liable to be removed for any Breach, or Neglect of Duty, by a Court-Martial, or by Address of either House of Parliament, the Prerogative of the Crown would be no other Ways abridg'd or alter'd, than it has been on many other Occasions, particularly in that Instance, of making the Judges to hold their Places, *Quamdiu se bene gesserint*, which were formerly during Pleasure only : Which Alteration has been always approved, and we hope will, in no Time to come, ever be attempted to be repealed.

III. Because the Practice of all the Nations in *Europe*, even where the Government is most arbitrary, justifies the Intention of this Bill ; for no Instance can be produced in any other Kingdom or State (as we believe) where Officers are cashier'd or deprived of their Commissions, otherwise than by the Judgment of a Court-martial ; how much stronger Reasons then have we of this Nation to establish such a Rule, since our Officers are many of them in a Capacity of having a Share in the Legislature, where it is absolutely necessary for the Preservation of the Constitution, that every Member should be free and independent ; and more particularly at this Time, when we find the Number of Officers having Seats in Parliament far greater than ever it was, in Time of War, when above three Times the Number of the present Troops were kept on Foot ?

IV. Although it was objected in the Debate, That, in Time of Danger, upon Suspicion of traiterous Practices, it might be necessary to remove an Officer from his Post, though the Informations might not be ready to be produced, or proper to be laid before a Court-martial ; and yet by such Officer's continuing in his Post, great Mischiefs might accrue to his Majesty and the Publick ; we apprehend, that Objection received a full Answer, That, in such a Case, an Officer might be immediately put under Arrest, or sent to some other Post, where he could not be so dangerous : And we conceive, such a Method of Proceeding will always be thought most proper, where the Crime is only suspected, but not capable of legal Proof ; for it must be allowed, as unjust to condemn

demn a Man upon Suspicion only, as it would be unreasonable to let a Man continue in Power, who is justly under Suspicion. That Part of the Prerogative, which will always be esteemed the brightest Jewel of the Crown, the Power of conferring Grace and Favour, would have remained entire, had this Bill passed into a Law; and only the disagreeable Part of inflicting Punishments, was designed to be limited, or rather secured by this Bill, from being turned to any ill Use, by the private Whispers of some malicious or vindictive Minister, who may, at any Time hereafter, get Possession of the Royal Ear.

Anno 7. Geo. II.

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V. Because the Time for the new Elections drawing near, we look upon this as the most favourable Opportunity of passing so necessary a Bill, since hereafter the very great Increase, which may probably happen, of the Number of Officers in Parliament, may render the future Passing of such Bill totally impracticable: For while the Officers of the Army remain in their present precarious Situation, they may be intimidated by the Threats of an unforgiving Minister, from voting even for a Bill of this Nature, and chuse to purchase present Security at the Price of their own Interest, and their future Independence in Parliament, in which the Liberty of their Country is so much concerned.

VI. Because we conceive the small Degree of Independence proposed to be given to the Officers of the Army by this Bill, to be necessary to prevent their being exposed to Temptations, in which (though we are ready to do Justice to the Sentiments of Honour and Virtue in those Gentlemen) we should rather lament than wonder, to find a discouraged and indigent Virtue yield to a criminal but prosperous Compliance; especially should we have the Misfortune, to see an imperious, all-grasping, Power-engrossing Minister, who may make their political Submission to his oppressive and destructive Schemes, the only Test of their Merit, and the only Tenure of their Commissions.

Winchelsea and Nottingham, Scarfsdale, Warrington, Suffolk, Marlborough, Marchmont, Weymouth, Tivedale, Chesterfield, Carteret, Oxford and Mortimer, Willeoughby de Broke, Clinton, Berksbire, Masbam, Denbigb, Litchfield, Craven, Montrose, Ker, Gower, Bruce, Strafford, Bathurst, Bedford, Bolton, Cobham, Tadcaster, Bridgewater, Cardigan, Griffin, Foley, Boyle.

The Motion for the second Reading of the said Bill being thus carried in the Negative, the Earl of Scarborough stood up and said,

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17.

Anno 7. Geo. II.

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E. of Scarbo-
rough's Motion
for rejecting the
said Bill.

My Lords,

Before this Question was put I had not an Opportunity to give my Sentiments upon it, tho' I had fully considered it; and I had the more fully considered it, because I thought, that both my Honour, and the Happiness of my Country were deeply concerned in the Question: However I shall now take an Opportunity to declare, that I never gave my Negative to any Question in this House more heartily, or with greater Conviction, than I did to the second Reading of this Bill; which really, in my Opinion, is one of the most extraordinary Bills that ever was brought before this House, and therefore I must think, that it deserves something more, than the putting of a bare Negative upon its being read a second Time.

It has often been endeavoured, by many Lords in this House, to set a regular standing Army in the most terrible Light; and great Art has formerly been used to shew the dangerous Consequences of such an Army; but all the Debates that have happened in this House upon that Head, there never were any such fatal Consequences pretended, as I should have dreaded from a standing Army under the Regulations prescribed in this Bill, had it passed into a Law. While our Army continues in the State it is in at present, while it depends upon the Parliament for its very Existence, and while the Officers depend upon the King for the continuing of them in their respective Commands, I shall never have any Fears about the Consequences which may from thence ensue; but if this Bill had passed into a Law, our Army had been made independent both of King and Parliament. The Officers would then have depended upon no Power but their own; they would soon have begun to think, that they had a legal Right to their Commissions, and consequently to their Pay; and if both King and Parliament had join'd in Opinion for reducing any Number of them, they would have looked on it as an Injury done them, and would have been apt to have joined all together to prevent the Effect of any such Resolution; and if they had, I would be glad to know, how the Resolutions of King and Parliament could have been made effectual against them; whereas, while they remain in the dependent State they are in at present, they know they have no longer any Right, either to their Commissions or their Pay, than it shall please his Majesty to continue them in their Command, and therefore they readily submit, whenever his Majesty finds it proper to reduce any Number of them.

This, my Lords, would have been the Consequence as to the Publick; but then as to private Persons the most terrible Oppressions might have ensued, from making the Officers

cers subject to no Power but their own. The Officers of the Army, like all other Sets of Men, are apt to favour one another; they are likewise apt to favour the common Soldiers, as being of the same Body with themselves: We all know, how many little Acts of Oppression may be committed by the Officers and Soldiers in their respective Quarters, and otherwise, which cannot come under the Cognizance of the common Law. If in such Cases the Officer should be guilty of Oppressions, or should connive at the Irregularities committed by the Soldiers under his Command, we may easily judge what would be the Consequence, if the Offender could not be any Way punished, but by a Tryal and Sentence of his Brother Officers in a Court-Martial, who might probably be all guilty of the same Crimes and Irregularities: And if, in such Cases, the Officers had nothing to fear, either from King or Parliament, we may most certainly conclude, that our regular Army would soon become intolerably irregular, and would become a most insupportable Grievance to the People in all Parts of the Country through which they should happen to march, or where they should happen to be posted.

This, I find, my Lords, was an Inconvenience, which the Projectors of this Bill were aware of; and therefore they have pretended to contrive a Remedy for this Evil, by leaving Officers liable to be broke, or removed by his Majesty, upon an Address from either House of Parliament; but I am afraid, that this Remedy would have been soon found to be altogether ineffectual. The principal Reason assigned, for bringing in this Bill, was, because the Officers of the Army are now become numerous in both Houses of Parliament, and may soon become more numerous, so as at last to be able to bear too great a Sway in both Houses. If this be the Case, as they are situated at present, would not we have much more to fear from their Numbers and Sway in Parliament, if they had a sort of Freehold in their Commissions; which they would have had, if this Bill had passed into a Law? Would not the holding of their Commissions for Life have made every one of them more considerable in the Country, than they can possibly be, in the precarious Condition they are in at present? And if you had added to their Weight and Interest in the Country, would not you of course have increased their Numbers, and their Sway in both Houses of Parliament? This, my Lords, I look upon as a most certain Consequence; and are we not reasonably to suppose, that all the Officers, in both Houses of Parliament, would have joined, not only in voting, but in making all the Interest they could against any Motion for such an Address? This would certainly have been the Case, and if this Bill had

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Anno 7. Geo. II.
1733-4

had passed into a Law, I am convinced, the Officers of the Army would soon have got such an Interest in both Houses of Parliament, that it would have been impossible to have procured an Address from either House, for the Removal of any one of them. The Officers who had Seats in Parliament, would, upon any such Motion, naturally have told you, why this extraordinary Remedy? If the Man is guilty, send him to us; we'll try him, and break him by the Sentence of a Court-martial; and if he be not guilty, he ought not to be broke, he ought not to be oppressed by a Vote of either House of Parliament.

At present, my Lords, if any of the Officers of the Army commit any Act of Oppression, or allow the Soldiers under their Command to commit any Irregularities upon the poor People among whom they are quarter'd; the honest Countryman has a ready Redress; he represents his Case to his Landlord, and his Landlord, either by himself, or by some Gentleman of his Acquaintance, gets the poor Man's Case laid before the Secretary at War, who represents it to the King; and if an Officer should be often found guilty of such little Trespasses, to be sure his Majesty would cashier him, which certainly is a Check upon the Behaviour of those Officers, whose Inclinations may, perhaps, be very strong towards Acts of Oppression: But if this Bill had passed, where should the poor Man have gone to complain? If he had got his Case represented to the Secretary at War, and, by that Means, to the King, what could his Majesty have done? He would have had no Power to rectify the Abuse, or to punish the Offender: And if the Officer had been brought before a Court-martial, they could not have enquired into the general Course of his Behaviour; they could have enquired only into that particular Fact, which they would not, probably, have found to be of Weight enough to have broke a Brother-Officer; and even as to that particular Fact, it might have happened, that the Court-martial was composed of Officers who were most of them guilty of, and liable to be prosecuted for the same sort of Crime; I believe it will not be supposed, that the poor injured Man would have met with much Redress from that Court-martial; who would have been loath to have encouraged such Complaints, by giving a proper Redress to the Person complaining. This might have been the Case, as to Courts-martial, and how difficult it would have been for a poor Countryman, perhaps, in some remote Part of the Island, or, indeed, for any Man, to have obtained Redress, by a Complaint in Parliament, I have already shewn.

Whether this Difficulty of obtaining Redress against an oppressive and unruly Officer would not have encouraged
great

great Licentiousness in the Army, I leave to every one of your Lordships to judge. Even with all the Power which the Crown now has over the Officers and the Soldiers, it is a difficult Matter to prevent their being sometimes a little troublesome in their Quarters, or to keep up that regular and exact Discipline which ought to be preserved in an Army; but if this Bill had passed into a Law, it would have been impossible to have prevented the one, or to have enforced the other: Nay, I do not see, my Lords, how it would have been possible for the Colonel of a Regiment to have commanded that Submission and Respect which is due to him by the Officers of his own Regiment: All inferior Officers would have become so independent of their Superiors in Command, that it would have been impossible to keep them to a strict Obedience of their Duty: Every little Fault, every little Neglect of Duty, could not have been brought before a Court-martial, and if it had, the Officers would have been loath to have broke a Brother-Officer for one little Failing, of which they, or most of them, perhaps, had been guilty. Whereas, while the Power of Removing remains in the Crown, the whole Tenor of an Officer's Behaviour may be considered; and if, upon the Whole, it appears to be bad, and without any Hopes of Amendment, his Majesty may, and certainly would, remove him from his Post in the Army.

'In short, my Lords, the evil Consequences of this Bill are so numerous, that I hope your Lordships will endeavour to prevent any such Bill's being brought in for the future, and therefore I shall move, that it may be rejected.'

The Question being immediately put upon the Earl of Scarborough's Motion for rejecting the said Bill, it pass'd in the Affirmative without a Division.

Then Lord Carteret mov'd, 'That an humble Address be presented to the King, that he would be graciously pleased to acquaint the House, who advised his Majesty to remove the Duke of Bolton and the Lord Viscount Cobham from their respective Regiments, and what Crimes were laid to their Charge.' Hereupon the Earl of *Illy* stood up and said,

My Lords,

'The Motion which the noble Lord has been pleased to make, is, I think, a very new, and a very extraordinary Motion, and it is the more extraordinary, in that his Lordship has been pleased to make it just after he has seen the Bill offered by some of his Friends rejected by this House; for to me it appears plain, that since the Lords who offered that Bill find, that this House will not agree to the Bill they were pleased to offer, they are resolved upon endeavouring to obtain by a Motion, the very same

Thing,

1733-4

Which is rejected accordingly.

Ld Carteret's Motion to address the King to know who advised the Removal of the Duke of Bolton, and Ld Cobham from their Regiments.

E. of Illy.

Anno 7. Geo. II. Thing, which they had endeavoured to obtain by their Bill.

1733-4

‘ The Design of the Bill was, to take away from the Crown the Power of removing the Officers of the Army, and to enact, that for the future no Officer should be removed but by a Court-martial, or by an Address from either House of Parliament. This the House has, I think, for very good Reasons refused to agree to ; and therefore now they propose to us to demand from his Majesty the Reason why he has removed two Officers from their Commands in the Army. Surely every one of your Lordships must see, that such an Address would have the very same Effect ; for if such a Precedent should once be made, it would soon become an usual Custom : If ever his Majesty, or any of his Successors, should at any Time hereafter think proper to remove any Officer from his Command in the Army, there would immediately be an Address from one, perhaps from both Houses of Parliament, demanding his Majesty’s Reasons for the Removal of that Officer ; and in Case the Reasons given should appear to Parliament not to be sufficient, we need not doubt but that the first Address would be followed by a second, for replacing that Officer, which the King would be obliged to comply with, or fall out with his Parliament ; so that neither his Majesty, nor any of his Successors, would ever venture to remove an Officer from his Command in the Army, but by the Sentence of a Court-Martial, or in Pursuance of an Address previously obtain’d from Parliament for that Purpose.

‘ Thus, my Lords, it is plain, that the Address now moved for, would make such a Precedent, as would have the same Effect with the Bill which your Lordships have just now been pleased to reject. Nay, it is certain, that the Precedent would have a more extensive Effect, and worse Consequences, than the Bill could have had ; because the Bill was confined, it went no higher than Colonels of Regiments, but the Precedent introduced by the Address now moved for, would be unconfined, it would extend to Generals, it would even extend to the General in Chief ; and therefore it must be agreed, that all those Arguments which, most justly, weighed so much with your Lordships as to make you reject the Bill, must militate more strongly against the Address now proposed. Those Arguments have been already so clearly and so fully stated, that, I am sure, I neither need to repeat, nor can I add to them, but shall only say, that as I was against the Bill, so I shall likewise be against the Address ; and I cannot but believe that every Lord in this House who joined with me in Opinion upon the former

Question

Question, will do me the Honour to join with me likewise in this.' Anno 7. Oct. 11.

1733-4.

Ld Bathurst.

Lord Bathurst stood up, and spoke as follows :

My Lords,

' As to the particular Case now before us, if it be something new, it is not at all to be wonder'd at ; because it is but lately that we have had any such Thing as a Standing Army ; and, even since we had a Standing Army, it has been but very seldom that any Gentleman has been removed from his Command in the Army, without so much as a Pretence for so doing, which is the Case now before us ; there was not, I believe, so much as a Pretence for the Removals which have given Occasion for this Motion ; there was, at least, no just Pretence that the Publick ever yet heard of. But as to the Case in general, my Lords, it is neither new nor extraordinary ; for it is well known, that this House has often address'd the King to know who were his Advisers to some particular Step that had been taken : This is what appears often upon the Journals of your Lordships House, and it is one of the chief Ends of our sitting here : We are his Majesty's Great Council, and if his Majesty, or any of his Successors, should ever by wicked Counsellors be prevail'd on to do, what is publicly and generally complain'd of, we are obliged, both in Honour and Duty, to inquire into the Affair, and to address his Majesty to lay before us the Reasons for his so doing, and to inform us who it was that advis'd him to take such Measures ; that so the Measures, if right, may be justified, and, if wrong, that the Indignation of the People may be remov'd from the Throne, that their Resentment may fall as it ought, upon those that advis'd such Measures, and that the evil Counsellors may meet with that Punishment they deserve. This, my Lords, is really the Case now before us ; a Measure has been taken which has rais'd a general Clamour, and we are the more concerned in it, because the two Officers who have been removed are both Members of this House. I make no doubt but that very sufficient Reasons have been shewn to his Majesty for removing them, but I have so good an Opinion of the two noble Lords, that I am convinc'd, the Reasons which have been shewn to his Majesty for their Removal, are false, and were ground'd only upon Misrepresentations.

' 'Tis true, my Lords, I was one of those Lords who voted for this Bill, which your Lordships have been pleas'd to reject. I must say, that I have as yet heard nothing that can make me alter my Opinion, and since it has been said, that the same Arguments which prevail'd with your Lordships to reject that Bill, must now prevail with you to reject this Motion : I shall beg Leave to take some Notice of those

Anno 7. Geo. II.

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Arguments. I was indeed a little surpris'd to hear it said, that, by the Bill, the Officers of the Army were to acquire a Sort of Freehold in their Commissions. I believe your Lordships would not agree to take any particular Man's Freehold from him, even by an Act of Parliament, without giving him an Equivalent; but notwithstanding any Provision in the Bill, an Officer was to remain liable to have his Commission taken from him by an Address only, without any Cause assign'd, or Equivalent given; nay, by breaking or reducing the Regiment, all the Officers of the Regiment might have been turned out of their Commands by his Majesty's single Authority; which shews, that tho' the Bill had pass'd, it would have given them no Manner of Freehold in their Commissions: It would, in Reality, have given the Officers no further Right to their Commissions than they have at present; for it is certain, that every Officer has now a Right to his Commission as long as he behaves well, and the Corps to which he belongs is kept entire: No Officer ought, or can, justly, be turned out of his Bread, as long as he behaves well; and all that was propos'd to be done by the Bill, was, to subject the Behaviour of an Officer to the Judgment of a Court-Martial, or a House of Parliament, instead of leaving it subject to the Judgment of Ministers of State or Court Favourites: The Officers therefore, if the Bill had pass'd into a Law, could not have imagin'd, that they had any better Right to their Commissions or their Pay than they now have; and, consequently, there could never have been any more Danger or Difficulty in reducing the Whole, or any Part of the Army, than there is at present.

But, my Lords, supposing that the Officers of the Army were to be rendred, as to the holding of their Commissions, entirely independent both of King and Parliament, surely, if any Danger were to be apprehended from them in such a State, in Case they should unite against King and Parliament, under a General of their own chusing, the Parliament, and consequently the People, have much more to fear from them in their present State, in Case some future King should think proper to make use of them for the Destruction of Parliaments, and for overturning the Liberties and Privileges of the People: For certainly it would be much more easy for the Army to unite together under the King, who is their Chief General by Law, than under any one of their own chusing, which very Choice would be a flying in the Face of the Law; and this Union would certainly be the more easily effected by the King's having the Power, he has at present of turning out and putting in whomsoever he pleases. The noble Lords who oppose this Motion, may talk of the Dependence of the Army upon Parli-

Parliament; but if the Case be examined strictly, it will appear, that the Army has really no Dependence upon Parliament: The King, indeed, depends upon Parliament for a legal Power to keep a Standing Army in Time of Peace, and for enabling him to pay them and discipline them according to Law; but if, in any future Time, the Parliament should think it necessary to reduce a Part of the Army, and of Consequence make no Provision for their Pay, the Resolution of Parliament could not break any one Regiment, or any Part of any one Regiment in the Kingdom; the Officers might all legally continue in their respective Commands, and if the King then upon the Throne should not think fit to break any of them, they might, indeed, then very probably think that they had a good Right to their Pay as long as they continued in Commission; and if they could not get it by Law, they might probably join with the King in raising it contrary to Law, especially if he, foreseeing what would happen, had taken Care to model them for that Purpose, which any King might soon do, while the Army continues upon the same Footing it is on at present. And for this Reason, my Lords, I must be of Opinion, that all those Arguments which have been used for shewing us the Danger of making an Army independent, are so many Arguments for shewing the Danger of our Army's being entirely dependent upon one Branch only of our Legislature, and consequently are good Arguments for the Bill, which was designed to make the Army not entirely dependent upon any one, but upon all the three Branches of our Legislature.

As to the Submission and Obedience of inferior Officers to their Superiors, it is, my Lords, so strongly enforced by the Martial Law, and it is so much the Interest of every Officer to see it punctually observed, that no Court-martial could, or would incline, either to avoid or defer giving Sentence, whenever any the least Crime of that Nature should appear. And as to all Sorts of Neglect of Duty, we know that it is generally the other Officers of the Corps that suffer most by such Neglect, and therefore we may depend on it, that they would always take Care to see the Laws of War duly put in Execution against all such negligent Persons; and in this we may believe they would be the more exact, the less dependent they were upon Ministers of State, or Court-Favourites; for it is well known in the Army, that those who are most frequently guilty of such Crimes, and meet with most Indulgence, are those who are the Relations or the Favourites of Ministers of State, or such other Persons who are supposed to have great Interest at Court; and therefore I think I have good Reason to presume, that if this Bill had

Anno 7. Geo. II. passed into a Law, it would have greatly conduced to the Observance of the most exact Military Discipline among all Degrees of Men in the Army.

1733-4.

‘ I am surpris’d, my Lords, to hear it pretended, that the making of the Officers of the Army in some small Measure only independent of a Secretary at War, or other Minister of State, would tend towards the making Courts-martial connive at the Oppressions or Abuses that might be committed, either by Officers or Soldiers, in the Places where they were quartered, or in the Places through which they happened to march; I am sure there is no Ground that I know of for such a Pretence; and as I never yet heard that any Officer was so much as suspended by the Secretary at War for such Practices, I must think, that it is the Fear of Punishment from a Court-martial, that has hitherto kept both Officers and Soldiers pretty much within Bounds, in that Respect. It is certain, that there is not the least Crime of this Nature, but what may be brought before a Court-martial, and may be punished by them: In such Cases, a Court-martial, as well as the Secretary at War, may consider the general Character of the Offender, and may proportion the Punishment according to it; and I do not doubt, but that they would break an Officer in the Army, if, upon Enquiry, it should be found, that he had often been guilty of oppressing the poor Country People upon whom he was quartered, or had been guilty of but one very heinous Crime of that Nature. But if any poor Country Inn-keeper or Victualler should be refused a proper Redress, by Means of a Tryal before a Court-martial, could not he easily have Access to some of the Lords of this House, or to some of the Members of the other, who would represent his Case to Parliament, where he certainly would meet with a proper Redress, not only against the first Offender, but even against the Officers of the Court-martial, who had refused him Justice, in the ordinary Way? Whereas if any Lord of this House, or any Member of the other, should now make any such Complaint, he would, probably, be told, that his Complaint was irregular; it ought first to have been made to the Secretary at War.

‘ But, my Lords, we have been told, that, if every Officer of the Army was to have his Commission *Quandiu se bene gesserit*, their Interest in the Country, and their Numbers in Parliament, would be greater than it is at present, and consequently that they would have so much Influence in Parliament as to prevent the obtaining of an Address from either House, against any of the Officers of the Army. My Lords, That their natural Interest in the Country would be greater, and deservedly greater, I do not doubt, but that their Numbers, or their Influence in Parliament, would be greater.

I very much question ; for if they were to expect no private
 Advantages by their being in Parliament, they would not, I
 believe, be so very fond of being Members of either House ;

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and if they had no Dependence upon the Court, with respect
 to Elections, they would be upon the same Footing with other
 Gentlemen ; whereas, while they have an entire Dependence
 upon the Court, it is to be feared, that, in every Place where
 an Officer sets up as a Candidate against a Country-Gentleman,
 the Officer will be supported by the Court, and the additional
 Interest an Officer must have by his being supported by the
 Court, will generally be greater than any additional Interest
 he could acquire by his having his Commission *Quamdiu se
 bene gesserit* : And thus I think it must appear evident, that
 if the Bill had passed into a Law, the Number of Officers in
 Parliament would not have been so great, as it may probably
 be if they continue upon the Footing they are on at present.

Now as to their Influence in Parliament, is it to be sup-
 posed, that any Set of Men can ever unite so generally, or
 so firmly, in any Case, especially such a dishonourable Case
 as that of screening a guilty Person ? Is it, I say, to be sup-
 posed, that they will unite so firmly when there is no Band
 of Union among them, but that of their being of the same
 Profession, as they may be supposed to do, when there is not
 only that Band of Union among them, but this further Band,
 of every Man's Commission depending upon his uniting with
 the rest under a ministerial Leader ? This is the Influence,
 my Lords, that we are to be afraid of : It is not the Influence
 of the Officers only, even supposing them to join together ;
 but it is when their Influence in Parliament is not only direct-
 ed by the Crown, but added to all the other Influences, which
 the Crown may have, and must at all Times have, in Parli-
 ament. It is by this Union of Influences that our Constitu-
 tion may be overturned ; and this is the Danger which by the
 Bill was proposed, in Part at least, to be obviated.

It is well known, that a Dependence upon the Crown is
 a Dependence upon the Ministry, and if ever such a Depen-
 dence should come to be absolute, it is to be feared, that the
 Military Sword may come to move always according to the
 Directions of the Ministerial Sword that hangs over it ; and
 that the Votes of those Officers, who may hereafter happen
 to be Members of either House of Parliament, may be ge-
 nerally directed by the Minister, upon whom their Commis-
 sions depend. It is to be feared, my Lords, that Preferment
 or Disgrace in the Army may come to depend, not upon Mi-
 litary Virtues, or Military Crimes, but upon Obedience or
 Disobedience to the most unjust Commands of a Prime Mini-
 ster : This is what, I think, ought to be prevented, if pos-
 sible. I will admit, nay, I desire, that the Paths of Prefer-
 ment

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ment may be made like the Paths of Virtue ; Let them be rough and rugged, but, for God's Sake, my Lords, do not let us allow them to be dirty.

‘ There is, my Lords, a very great Difference between the Motion now before us, and the Bill which your Lordships have been pleased to reject : By the Address moved for, it cannot so much as be pretended, that there is an Attack made upon the Prerogative of the Crown, or that the Power of the King over the Army is to be any Way touched ; nor can it justly be said, that this would lay a Precedent for addressing the King upon every Occasion, when his Majesty or any of his Successors, should think proper to remove an Officer. There can never be a Precedent pretended from the Address now proposed, but when such Removes may occasion a general Discontent and Murmuring in the Nation ; and in such Case, I hope, your Lordships will all grant, that such a Precedent would be of great Use ; and that it is the Duty of this House to address upon all such Occasions ; for in such Cases it will always be of great Service to the King, because it will afford him an Opportunity of satisfying the Publick, that what he did was right, or of doing Justice to those who had suffered by Calumnies and Misrepresentations ; and therefore I make no doubt, but that many of those Lords who voted against the Bill, will join with me in voting for this Address.’

The Earl of *Cholmondeley* spoke as follows :

My Lords,

Earl of Cholmondeley.

‘ I cannot believe that the Complaints against the removing of the two noble Lords mentioned in the Motion now before you, are so great, or so general, as some Lords have been pleased to represent ; for in all the Companies that I have ever been in since those two noble Lords were removed, I have not heard so much as one Complaint against it ; and as the Generality of those Complaints is the principal Reason given for agreeing to the Address proposed, I must therefore be of Opinion, that there is no Occasion for any such Address.’

The Earl of *Abingdon* stood up next, and spoke thus :

My Lords,

Earl of Abingdon.

‘ A very good, and a particular Reason may be given why the noble Lord, who spoke last *, has heard no Complaint made against the Removal of the two noble Lords, mentioned in the Motion for this Address. It would not, perhaps, be very polite, it would not even be good Manners, in his Lordship's Company, to find Fault with the Removal of those two noble Lords, or with any other Measure that has lately been taken ; but if every Lord in this House, who has heard a Complaint against the Measure in particular, shall give his Vote for the Address proposed, it is no difficult Matter to determine the Fate of the Question.’

The

* His Lordship married a Daughter of Sir Robert Walpole.

The Duke of *Argyle* stood up, and said,
My Lords,

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D. of Argyle.

‘ I did not before give the House any Trouble, or offer to give my Reasons against the Bill, because, as I thought it a very new Thing, and a very extraordinary one too, I thought that the Lords who appeared to be for it, ought to have given their Reasons for being so, before it could be expected that any Lord should give his Reasons for being against it; for it is known to have been always the Custom of this House, that when any Thing new is proposed or offered, the Lords who are for it give their Reasons, and all that the other Lords have to do, is, to shew, that those Reasons are not sufficient for prevailing with the House to agree to what is proposed. In the present Case, I did indeed hear a very handsome Speech made in Favour of the Bill presented to us, but in all that was said, I could not observe any real Argument, or any Reason offered for inducing us to make such an Alteration in our Constitution, as was proposed to be made by that Bill.

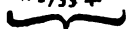
‘ I hope, my Lords, there are no Gentlemen in the Army that ever were, or ever can be prevailed on, either to act or speak contrary to their Conscience, by the Fears of their being turn’d out of their Commissions; I hope there never will be any such in our Army; but if there are now, or ever shall be, any such abandoned Men in our Army, I am sure there was nothing proposed by the Bill, that could have had any Effect as to such Men; for it is well known, I believe every one of your Lordships is sensible, that with all those Men, who are ready to sacrifice their Honour and their Conscience to their private Interest, the Hopes of Preferment, the Hopes of a more lucrative Post or Employment, will always be as prevailing an Argument, as the Fears of losing what they have. I am persuaded there is not a Man in the Nation, who would sacrifice his Honour and Conscience, rather than lose 1000 *l.* a-Year, which he enjoys, but would do the same, if he expected thereby to add but one single Hundred a-Year to his former Revenue; and therefore in the only Case, in which it can be supposed that the Bill was necessary, it is plain it could have had no Effect.

‘ I must indeed say, that if I had spoke against the Bill, I should have differed, as to some Facts, from those noble Lords who spoke for it. It is very true, that there have formerly been Removes in the Army, but it is certain likewise, that many of those who were removed had no Seats in Parliament, and therefore it cannot properly be said, that the Behaviour of Gentlemen in Parliament was ever the Cause of their being removed from their Commands in the Army. However, I shall say no more as to the Bill, which, in my Opinion, has been justly rejected.

‘ But,

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‘ But, my Lords, as to the Address proposed, I really think it worse than the Bill itself: It is certainly as great an Attack upon the Prerogative of the Crown as the Bill was; for what signifies a Prerogative, if the King is never to make Use of it, without being obliged to give an Account of his Reasons for so doing to either House of Parliament, that shall please to call for such an Account? The Address, therefore, is as great an Attack upon the Prerogative, and it is a much more direct Attack upon his present Majesty’s Conduct. I am surpris’d, my Lords, to hear such a Noise made about the Removal of two noble Lords from their Commands in the Army. It is true, there have been two Lords removed, but there has been but one Soldier removed; and therefore, when Lords are pleas’d to talk of Soldiers having been turned out of their Commissions in the Army, they ought not to talk in the Plural Number. Since then his Majesty has removed but one Soldier, I can see no Reason for pretending, in some Manner at least, to call him to an Account, by desiring him to lay his Reasons for so doing before either House of Parliament: It is what was never offer’d to any of his Predecessors, even when Numbers of Officers were removed at a Time. There was no such Address as this propos’d in a late Reign, when many Officers were at once turn’d out; Officers, who were so far from being guilty of any Crime, or of any Neglect of Duty, that some of them were but just return’d from Victory. It must therefore be granted, that what is now propos’d is without Precedent in either House of Parliament; and for that Reason I am against agreeing to the Motion.

Then the Earl of *Anglesea* spoke as follows:

My Lords,

E. of *Anglesea*.

‘ I voted for the Bill, which your Lordships have been pleas’d to reject; and I voted for it, because I heard, what I thought very strong and convincing Arguments offer’d for it, and not the least Shew of Argument against it. What the noble Duke was pleas’d to take Notice of, was a very good Argument for offering an Amendment to the Bill, but it was no Argument against the Bill itself, and much less against the second Reading of it. It is certain, that Men are sometimes guided by their Hopes, as well as by their Fears; but, surely, when the Hopes of Preferment, and the Fears of Starving, are put together in the Scale against Virtue and Conscience, they will jointly weigh more heavily, than either of them would do separately. I cannot allow, that every Man, who may be govern’d and directed in his Way of acting and speaking, by the Fear of Starving, will likewise be directed by the Hopes of Preferment, or the Hopes of a more lucrative Post or Employment,

ment ; for he must have a small Share of Virtue, and a very great Share of Ambition or Covetousness, who is directed to act against his Conscience, by the single Hopes of Preferment, or the Hopes of a more lucrative Post or Employment: And it must be granted, that there are many Men, who have so little Ambition or Covetousness that if they are but made sure of a moderate Support for Life, the Hopes of Preferment, or the Hopes of adding to their yearly Income, will have so little Effect upon them, that, with even but a small Share of Virtue, they may hold out against the most alluring Hopes : But it must be allowed, that the Man who stands his Ground against the Fears of being reduced to a starving Condition, as well as against the Hopes of Preferment, and adding to his yearly Income, must have a very great Share of Virtue ; a greater Share I am afraid, than most Men can brag of in this degenerate Age. As for those who are quite abandoned, and governed entirely by their own selfish Ends, I believe it is not possible to make them honest or virtuous, but surely there are Degrees both of Vice and Virtue ; all Men are not equally vicious ; and if we could, by the Bill's being passed into a Law, but have preserved the Virtue of some, it would certainly have been worth our while ; we could afterwards have amended it, if we had found, that what was done was not sufficient.

‘As to the Address now propos'd, I cannot see, my Lords; how it is possible that an humble Address from either House of Parliament can be deemed an Attack upon the Prerogative of the Crown. His Majesty, or any of his Successors, may make what Use they please of any of the Prerogatives of the Crown ; but it is certain, that if ever any bad Use is made of those Prerogatives, the Parliament has a Right ; nay, it is their Duty to enquire into it, and to desire his Majesty to acquaint them, who it was that advised him to take such a Step. This has always been the Practice of Parliament, as to every Prerogative that was ever claim'd by the Crown : This is the very Case now before us : His Majesty has made use of his Prerogative in removing two noble Lords from their Commands in the Army : These Removals have occasioned a most universal Complaint through the whole Nation, because it is generally believed, that there were no sufficient or good Reasons for removing them ; and as it is the Duty of this House to take Care, that his Majesty shall not by any Step he may be advised to take, incur the general Censure of the People, therefore this general Complaint that has been raised, is a most sufficient Foundation for the Address now proposed : His Majesty's Conduct is no Way concerned in the Question, it is only the Conduct of those who advised him ; if they advised him well, they will be justified

Anno 7. Geo. II. ¹⁷³³⁻⁴ fied by what is now proposed ; if they advised him ill, they certainly deserve at least the Censure of this House ; but to tell us that his Majesty's Conduct is, or can be concerned, in any such Question, is directly to tell us, that the Parliament of *Great Britain* shall never enquire into any Thing, that their King shall be pleased, by the Advice of his Ministers, to do.

As to the Number of those who have been removed, it is of no Signification in the present Question ; the Cause of Removal is what your Lordships are to enquire into ; for if those two noble Lords were removed only as an Example to others, one Example may serve to keep Hundreds in Awe ; and if that Example was made, only to serve a ministerial End, it may be of the most fatal Consequence to our Constitution. For this Reason I shall be for the Address moved for. The Motion may perhaps be rejected by a Majority of this House ; but if it be rejected, the whole World will be convinced, that those two noble Lords were removed from their Commands in the Army, for no Cause, at least for no Cause that can well be publicly avowed.

D. of Montrose.
Ld Gower.

The Duke of *Montrose* spoke next, and after him Lord *Gower*, both for the Motion ; after which the Question was put, and carried in the Negative, by 77 against 48.

Dissentient

Protest on Lord
Carteret's Motion
on passing in the
Negative.

I. Because we conceive that it is the inherent Right of this House to address the Crown, to be informed who are the Advisers of any Measures that may be prejudicial to his Majesty's Government, or dangerous to the Liberties of the Nation.

II. Because the Removal of two Officers of such Rank and Dignity, and of such known Fidelity to his Majesty's Person and Government, without any Cause assigned, or any known or alledged Neglect of their Duty, gave the greatest Alarm to many of his Majesty's most faithful Subjects ; we therefore thought it for his Majesty's Service, to give him this Occasion to publish to the World the just Grounds of his Displeasure, or to detect the Calumny of their Accusers ; and consequently to withdraw his Confidence from such pernicious Counsellors.

III. Because, that as the Practice of displacing Officers has grown more frequent in Proportion to the Increase of their Numbers in both Houses of Parliament, the World may entertain (however unjustly) an Opinion, that the free Use of their Votes has been the real Cause of their Disgrace ; and the more so, since most of the Persons, who have been remov'd, have happened to be Members of one or other House of Parliament.

IV. Be-

IV. Because Applications of this Nature to the Crown may hereafter protect many of his Majesty's faithful Subjects from the secret and malicious Misrepresentations of some Minister in future Time, who (tho' unrestrained by any Sense of Truth, regardless of his Prince's real Interest, and animated only by his own Passions) may however be check'd by the just Apprehensions, that the Applications of Parliament may lay open his Calumnies, and bring upon himself the Disgrace he had prepared for others.

Winchelsea and Nottingham, Strafford, Warrington, Anglesea, Denbigh, Marlborough, Marchmont, Tweeddale, Montrose, Northampton, Weymouth, Oxford and Mortimer, Willoughby de Broke, Clinton, Bathurst, Bristol, Abingdon, Bedford, Griffin, Boyle, Masbam, Carteret, Cardigan, Ker, Bruce, Scarsdale, Suffolk, Berkshire, Craven, Litchfield, Bridgewater, Montjoy, Gower, Tadcaster, Foley, Chesterfield.

Dissentient

Because we are not conscious that any Neglect or Breach of our Duty can be laid to our Charge, much less any Want of Zeal and Attachment for his Majesty's Person and Government ; we therefore must testify our earnest Desire, that this Motion had passed in the Affirmative, that we might have had an Opportunity given us of knowing our supposed Crimes and Accusers ; and we hope of justifying ourselves to his Majesty and the World.

Bolton, Cobham.

March 6. The Order of the Day being read, for the House to take into Consideration Matters relating to the Election of the Peers of that Part of *Great-Britain* called *Scotland* ; Debate on the Earl of *Marchmont* moved to resolve, That no Peer who hath claimed, or shall claim Right by Succession to any Peerage of *Scotland*, other than a Descendent of the Body of a Peer or Peers, who has been in the Possession of the Peerage claimed, since the 25th of *April*, 1690, shall be admitted to vote, at any Election of a Peer or Peers to sit in Parliament, for that Part of *Great-Britain* called *Scotland*, until his Right and Title be claimed and determined in this House.

Debate on the Earl of Marchmont's Motion, relating to the Claims of the Scots Peers.

The Lord *Hardwick*, the Duke of *Newcastle*, the Earl of *Illy*, Lord *Hervey*, and Lord *Talbot*, oppos'd the Motion, urging, That it was dangerous taking such a Resolution, on Account of dormant Titles, who might have Claims, and thereby be precluded from their just Right.

Ld Hardwick, D. of Newcastle, E. of Illy, Ld Hervey, Ld Talbot.

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M. of Tweedale.
D. of Montrose.
E. of Chesterfield
E. of Winchelsea
E. of Strafford.
Ld Carteret.
Ld Bathurst.

E. of Scarbrough
D. of Argyle.

They were replied to by the Marquess of *Tweedale*, the Duke of *Montrose*, the Earls of *Chesterfield*, *Winchelsea*, and *Strafford*, and the Lords *Carteret* and *Bathurst*, who argued the Necessity of such a Resolution, on Account of several Peers continuing on the Roll of Peerage, whose Families are extinct, or have no Right; by which Means the Sixteen Peers might be chosen by a Majority, who have no Right at all.

But the Earl of *Scarbrough* and the Duke of *Argyle* were for putting off the Motion, which was agreed to; and it was order'd, That the House be put into a Committee on that Affair on the *Monday* next.

Marq. of Tweedale moves, That the Election of the Scots Peers be by Ballot.
Debate thereon.

Ld Bathurst.
Ld Carteret.
D. of Argyle.
D. of Newcastle.
Ld Talbot.

Then the Marquess of *Tweedale* moved to resolve, That for the better securing the Freedom of the Election of a Peer or Peers to sit in the Parliament of *Great Britain* on the Part of *Scotland*, the Election shall be by way of Ballot. His Lordship was supported by the Lords *Bathurst* and *Carteret*, who urg'd the Reasonableness thereof, to preserve undue Influence.

They were opposed by the Dukes of *Argyle* and *Newcastle*, and Lord *Talbot*, who alledged, That the Method of Ballot would be a Breach of the Act of Union, by which it was declared, ' That it should be an open Election.

Then the Question being put thereupon, it was resolv'd in the Negative.

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Dissentient'

Protest on the said Motion's passing in the Negative,

I. Because this Motion tending only to make a Variation in the Manner of electing the Peers for *Scotland*, we apprehend it was entirely agreeable to the Intention of the 22d Article of the Union; for whatever can contribute to make the Election more free and independent, the more it answers the Design of that Article; And we must observe, that this House has been so far from thinking the Manner of Election unalterable, that a Bill passed this House,* by which the Election itself was entirely abolished.

II. Because in an Election of this Nature, the Method of voting by Ballot appears to us infinitely preferable on many Accounts, for as it is well known there are several Alliances among that Body of Nobility, many of the Peers may be put under great Difficulties, their Alliances drawing them one Way, and their Opinion and Inclination another Way. It is also possible, that by Pensions from the Crown, or by Civil or Military Preferments, some of them may lye under Obligations to a Court, and be reduced to the hard Necessity (under the Power of an arbitrary Minister) either of

losing

* The Peerage Bill, which passed the House of Lords, Anno 6. Geo. I. p. 120.

losing their Employments, or of voting against their nearest Relations, and their own Opinion also. We apprehend that no Election can be call'd perfectly free, where any Number of the Electors are under any Influence whatsoever, by which they may be biased in the Freedom of their Choice.

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1733-4.

III. Because we apprehend, that this House is, in a most essential Manner, concerned in the Freedom of this Election ; for if Sixteen new Members are to be brought in every new Parliament, under any undue Influence, it may tend to subvert the Independence of this House, and of Consequence the Constitution of the whole Kingdom. By Means of such an Election, an ambitious Minister may make Use of the Power of the Crown, at one Time, to destroy the Interest of the Crown ; at another to oppress the Liberty of his Fellow-Subjects, and, by different Turns, protect himself from the just Resentment of both.

IV. As this House is the highest Court of Judicature, and the last Resort in all Matters relating to the Properties of the Subjects of *Great Britain and Ireland*, we conceive that every Person who is Master of any Property, is concerned in the Consequence of this Motion ; for if Sixteen of these Members, in whose Hands this great Trust is vested, should ever be thought to be in the Nomination of a Minister, the Subjects of these Kingdoms may have great Reason to dread the Consequence of such an unwarrantable Influence, by which their Liberties, Lives and Properties might be render'd precarious.

Boyle, Bedford, Carteret, Weymouth, Cobham, Chesterfield, Montrose, Coventry, Strafford, Cardigan, Bolton, Haverham, Marchmont, Bathurst, Marlborough, Winchelsea and Nottingham, Bruce, Oxford and Mortimer, Willoughby de Broke, Clinton, Aylesford, Montjoy, Tweeddale, Northampton, Warrington, Stair, Denbigh, Gower, Bristol, Foley, Tadcaster, Litchfield, Ker, Berkshire.

March 18. The Order of the Day being read, for the taking into Consideration Matters relating to the Election of the Peers of that Part of *Great Britain* called *Scotland* ; the Duke of *Bedford* moved to resolve, That it is the Opinion of this House, that any Person or Persons taking upon him or them to engage any Peers of *Scotland*, by Promise of Place or Pension, or any Reward or Gratitude whatsoever from the Crown, to vote for any Peer, or of Peers to represent the Peerage of *Scotland* in Parliament, is an high Insult on the Justice of the Crown, an Incroachment on the Freedom of Elections, and highly injurious to the Honour of the Peerage.

The Duke of Bedford moves, That to threaten or promise any Gratitude from the Crown to any Scots Peer, to give him or her a Vote at an Election, is an Insult upon the Crown, &c.

His

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Influence has as yet been made use of in the Election of the Sixteen Peers for *Scotland*; tho' it cannot be suspected that any such Influence will ever be allowed of, much less approved of by his present Majesty, yet no Man can tell how soon (such a Thing may be attempted; and the Circumstances of many of the Peers of that Nation give us great Reason to be jealous of such Attempts: It must be allowed, that there are many of them who have the Misfortune of having but small Estates; it is well known that many of them have Commissions in the Army, or Places in the Government depending upon the Pleasure of the Crown; and it must be granted that some of them cannot well support the Dignity of their Titles, and the ancient Grandeur of their Families, without such Commission in the Army, or Post in the Government: If then any future ambitious Prince should think of securing by illegal Means a Majority in this House, in order to destroy the Liberties of his People; or if any wicked Minister who had got the leading of a weak Prince, should think of getting a corrupt Majority in this House, in order to secure him against an Impeachment from the other, are not we naturally to conclude, that the first Attempt of such a King, or such a Minister, would be to secure the Sixteen Peers from *Scotland*.

' In such a Case a Court-List, or rather a Ministerial-List, would certainly be sent down, and every Peer of *Scotland* that did not vote plump for that List, would be under-hand threatened with being turned out of his Commission in the Army or Navy, or out of his Employment under the Government; and others would be induced to vote for it by secret Promises of Preferment, or of being provided for. The noble Families of *Scotland* are, my Lords, as ancient, and have always behaved with as much Honour, as the Nobility of any Nation under the Sun; but in such a Case, how hard might be the Fate of some of the Representatives of the noble Families of that Kingdom: They must ungratefully vote against those who perhaps procured them the Commissions or the Posts they enjoy, they must vote for those whom they know to be Men of no Worth and Honour, Men whom they know to be meer Tools of Power; or otherwise they must expect to be stripped of all their Preferments under the Government, and thereby rendered incapable of supporting themselves in their Native Country as Noblemen, perhaps even as Gentlemen. This is a Misfortune which certainly may happen: This, my Lords, is a Misfortune which, in Regard to our Country, in Regard to the Honour and Dignity of this House, in Regard to our own Families, we ought to provide against; and we cannot provide against it too soon.

‘ I say, my Lords, that it is a Misfortune, which in regard even to our own Families, we ought to provide against; for it is well known that there is but seldom any Difference between the Royal and the Ministerial Power: There never can be any Difference between the two, but when there is a just, a wise and an active Prince upon the Throne; for when there is an ambitious and an unjust Prince upon the Throne, his Ministers will readily submit, he will make every Thing submit to his Power, if he can; and when a weak or an indolent Prince happens to be upon the Throne, the whole Royal Power will always be lodged with the Ministers, generally in one Prime Minister; and as such Ministers always endeavour to act in an arbitrary Way, they never will employ any but those who will meanly submit to be their Tools; all others they will endeavour to oppress or destroy: It is certain that Men of great Families and Fortunes, who have any Sense or Penetration, will never so easily submit to the arbitrary Views of an ambitious Prince, nor will they so easily submit to be the Tools of an over-bearing Minister, as Fools or mean Upstarts; and therefore no such Prince or Prime Minister will ever employ any of them, if they can do without: While the ancient Dignity and the Weight of this House is preserved, the ancient and the great Families of the Kingdom will always be able to confine the Views of an ambitious Prince, and to force him to delegate a just Proportion of his Power to them; and they will always be in a Condition to force themselves in upon a Prime Minister, not as his Tools but as his Partners in Power: But if it should once come to be in the Power of a Prince or Minister to secure by dishonourable Means a Majority in this House, the greatest Part of our Posterity will for ever be excluded from all Share in the Government of their Country; none but mean Tools of Power, and knavish Upstarts will be employed in the Administration; and perhaps even our next Successors may see a wicked and over-bearing Prime Minister of State at the Head of a Parcel of Fools and Knaves, carrying Things in this House by a Majority, contrary to the Opinion of the Generality of Mankind without Doors, and contrary to the Opinion of every honest Man of Sense within.

‘ To me, my Lords, it is as clear as Demonstration, that an utter Exclusion of all the Nobility in *Great Britain*, who had either Honour or good Sense, from any Share in the Administration, would be the certain Consequence of the Court’s getting it in their Power to secure by Corruption a Majority in this House: but I am much afraid the Misfortune would not stop here; I am afraid that such a Court would soon begin to think of getting rid of every Family in the Nation which could be any Way troublesome to them;

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and of such a Resolution, my Lords, supported by such a Majority, how fatal might the Consequences be to every one of your Lordships Families, which happened unfortunately at that Time to have a Representative beloved in his Country, and esteemed for his great Honour and his good Sense : Of such Consequences I have the most terrible Apprehensions : I hope no such Case will ever happen ; but I must desire your Lordships to consider how great an Influence a Number of 16 sure Votes might have upon all the Resolutions of this House : Look into your Journals, look into the Histories of this Nation, and you will see how many Questions, Questions in which the very Being of our Constitution was deeply concerned, have been carried against the then Enemies of our Constitution by a Majority of a much smaller Number, perhaps by a Majority of not above two or three. Can we then be too jealous of the Method of electing the Sixteen Peers for *Scotland* ? Can we refuse or neglect to use all those Means that lie in our Power for preventing their being ever chosen by Ministerial Influence ? Can we suppose that all those who are chosen under such an Influence ; will not vote in this House under that Influence by which they were chosen ?

‘ Custom, my Lords, is of a mighty prevalent Nature ; even Virtue itself owes its Respect in a greater Measure to Custom ; and Vice, by being openly and avowedly practised, soon comes to disguise itself, and assume the Habit of Virtue : If Ministerial Influence, if private and selfish Views ; should once come to be the sole Directors in voting at the Election of the Sixteen Peers for *Scotland*, the Practice would soon get even into this House itself ; and as Inferiors are always apt to imitate their Superiors, it would from thence descend to every Election and to every Assembly in *Great Britain* : Corruption would then come to be openly and generally avowed ; it would assume the Habit of Virtue ; the sacrificing of our Country, the sacrificing of all the Ties of Honour, Friendship and Blood, to any personal Advantage or Preferment, would be called Prudence and good Sense, and every contrary Behaviour would be called Madness and Folly : Then indeed, if there were a Man of Virtue left in the Nation, he might have Reason to cry out with the celebrated *Roman* Patriot, ‘ O Virtue ! I have followed thee as a real Good, but now I find thou art Nothing but an empty Name * . ’ It was, my Lords, the general Corruption he found in his Country that led that great Man into such an Expression : He died in the Defence of Liberty and Virtue ; and with him expired the last Remains of the Liberty and Virtue of his Country ; for Virtue and Liberty always go Hand in Hand ; wherever one is,

* Te colui, Virtus, ut Rem ; at Tu Nomen imago es !

is, there likewise is the other, and from every Country they take their Flight together.

‘ I have said, my Lords, that it cannot be affirmed, that any undue Influence has as yet been made use of in the Election of the Peers for *Scotland*; but yet it must be granted, that towards the latter End of the late Queen’s Reign, there seems to be a strong Suspicion, that some extraordinary Influence was then made use of; for the Sixteen that were first chosen after the Union, were all such as were known to have a true Zeal and Affection for the Revolution, and for the present Establishment: Soon after there was a Change in the Ministry here, and upon that a new Parliament; it cannot be said, that there was any Change among the Electors of the Sixteen Peers for *Scotland*, they necessarily continued to be the same; and yet there was such a thorough Change among the Sixteen Representatives then chosen that hardly one of the former was sent up; the whole Sixteen were such as were agreeable to the new Ministry, and such as went into all the new Measures then set on foot. Even some noble Lords now in this House, whose consummate Prudence and great Qualifications were then well known, were left out in that Queen’s Time, tho’ the Peers of *Scotland* have been ever since so just to themselves as always to chuse them for their Representatives: How this should happen, without some undue Influence being then made use of, I cannot well comprehend; and if what is prophesied should happen; if upon the next Election it should be found, that some noble Lords are left out, whose Families as well as themselves have been eminent and remarkable for their Zeal for the present happy Establishment, as well as for the Revolution upon which it is founded: If such, I say, should be left out, for no other Reason that can possibly be guessed at, but that they happen not to be altogether agreeable to the Ministers for the Time being, I shall think it still more unaccountable; because, that in the latter End of the late Queen’s Time, there seemed to be a Contest between those that were Friends and those that were Enemies to the Protestant Succession, and in such a Contest there is some Ground to presume, that the Peers of *Scotland* would naturally divide into two Parties, and that the most numerous Party would chuse that Sixteen who were supposed to be of the Party they espoused: But now, my Lords, where there is no Principle either in Religion or Politics to direct them, it is not to be supposed that they will naturally divide into two opposite Parties; or that the Majority of them will readily resolve not to vote for any one of those who now happen to be disagreeable to the Minister, notwithstanding their having, for a continued Course of so many

Anno 7. Geo. II. Years, thought some of them worthy of the Honour of being their Representatives in this House.

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‘ If this, my Lords, should really happen ; if some of those Lords now in this House, whose Zeal and Affection for his Majesty’s Person and Government are well known, whose Qualifications and natural Endowments are universally acknowledged, and who have performed many eminent Services to their Country ; if such, I say, should be left out, and others, who may not be known in the World, chosen, or at least pretended to be chosen in their Room, I shall be apt to suspect, I believe the whole Nation will conclude, that some of the *Scots* Peers have not been directed in their Choice by that which ought to be their only Director upon such Occasions ; and if such a Thing should happen, it will be incumbent upon this House to enquire how it was brought about ; for we ought not to admit any unworthy Person’s being brought among us, nor ought we to allow of any Person’s being brought unworthily or unjustly into this House ; this we have a Right to inquire into, as may appear by what happened so lately as in the Reign of the late Queen ; and our own Records, our own Histories may shew us, that the bringing, or endeavouring to bring, unworthy Persons into this House, was inquired into, and had like to have proved fatal to King *Henry III.*

‘ In such Cases, my Lords, we are not tyed down to the strict Rules of Law, we are not to expect every criminal Fact to be proved by two or three Witnesses ; this is what neither House of Parliament ever thought themselves tyed down to ; it is from Circumstances as well as Proofs that we are to determine, and if such Circumstances should concur as must convince every Man of common Sense in the Kingdom, I am sure I need not tell your Lordships what you are to do ; but as the preventing of Crimes is much more prudent and less troublesome than the punishing of them, let us therefore now endeavour to prevent the committing of any such Crimes, by agreeing to the Resolution propos’d.’

‘ The other House of Parliament has passed many Laws for preventing the Influence of Bribery and Corruption in the Election of any of their Members. They have lately got passed a severe Law against that abominable Practice ; and another Bill for preventing any undue Influence upon their Members after they are chosen, has since been several Times brought in, and as often passed in that House, but your Lordships have not, it seems, thought fit to give it your Concurrence : Whilst there are such Complaints against the Growth of Corruption, while the other House are using such Precautions against it, shall we sit still and do nothing ? There are but a few of the Members of this House, there
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are none but the Sixteen for *Scotland*, who owe their Seats here to an Election : Let us then, my Lords, take all possible Care that they shall always be chosen by an honourable, a fair and a free Election : If they should ever come to depend upon a Minister for their Seats in this House, consider, my Lords, what an Influence it might have even upon their Way of voting while they are here : How terrible must it be for any Lord of this House to be exposed to the Danger of being told by an insolent Minister, You shall vote so or so, otherwise you shall be no longer a Lord of Parliament. This is what, I hope, your Lordships will endeavour to prevent by agreeing to this Resolution, or any other more effectual Method that may hereafter be found to be necessary.

The Dukes of *Newcastle* and *Argyle*, the Earls of *Cholmondeley* and *Poulet*, the Lords *Hervey* and *Talbot*, spoke against the Motion to the Effect as follows :

My Lords,

‘ That, both by the Common and Statute Law of this Kingdom, all Elections ought to be free and undisturbed, is what will not be denied by any Lord in this House ; and that the giving of Money, or the making Use of any Threats or Promises, in order to induce any of the Electors to vote according to Direction, is a Crime of a very high Nature, and what will be as little controverted ; but this is so far from being an Argument for the Resolution proposed, that, in my Opinion, it is a very strong Argument against it ; for wherever the Law is plain and clear, there is no Occasion for a Resolution of this House either to enforce it, or put People in mind of it : Upon the contrary, our coming to such a Resolution might probably make People doubt of what they before thought evident, because our Resolution would not make that to be Law, which was not so before, and some People would naturally conclude, that the Law in that Respect was not clear and evident, otherwise this House would have had no Occasion for coming to any such Resolution. In the present Case indeed the Law is so clear and evident, that no Man of common Sense can doubt of it, and therefore our coming to such a Resolution will not probably bring the Law in doubt with any Man in the Kingdom ; but I cannot help thinking that it would be a very odd and a very extraordinary Resolution ; I must really think that we may with as much Propriety resolve, *That the levying of War against the King is an Act of High-Treason* ; and how such a Resolution would appear upon the Journals of this House, I leave your Lordships to judge.

‘ As I have said, my Lords, it must be acknowledged by all, That the giving of Money, or the making use of Threats or Promises, in order to corrupt or over-awe the Electors

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D. of Newcastle.
D. of Argyle.
E. of Cholmondeley.

E. Poulet.
Ld Hervey.
Ld Talbot.

Ann 7. Geo. II.

1733-4.

Electors at any Election, is contrary to Law; but yet I can not admit that the making Use of any Sort of Solicitations is contrary to Law, I cannot think but that any Lord of *Scotland* may ask another's Vote at any ensuing Election of the Sixteen Peers for that Kingdom, and that in Favour of his Friends as well as of himself; and if any Lord of that Country should have the Honour to be Secretary of State, or in any other high Office under the Crown, I cannot comprehend how he can be thereby excluded from being a Candidate at that Election; a Candidate he certainly may be, and as such he may ask every other Lord of that Country for his Vote at the ensuing Election; nay, he may not only ask that Favour for himself, but he may ask it for others; His being in an Office under the Crown does not strip him of that Privilege which every other Lord enjoys; nor does any Law now in Being make his Solicitation more criminal than those of the other Lords of his Country.

'The Laws now in Being for preserving the Freedom of Elections are, my Lords, in my Opinion, fully sufficient for that Purpose; and whoever thinks so, must conclude, that there is not the least Occasion for the Resolution now proposed: But granting they were not sufficient, would our coming to such a Resolution render them so? It cannot be so much as pretended that a Resolution of this House would add to their Sufficiency, or that it would contribute in the least towards making a Law effectual for the End proposed, if it was before found to be ineffectual. Thus, my Lords, there is either no Occasion for our coming to such a Resolution, or it would be of no Use when made; and therefore I cannot think it consistent with the Dignity of this House, to have any such Resolution enter'd upon our Journal. If the Laws in this Respect are insufficient, let a Bill be brought in for amending and strengthening them; but do not let us take up our Time with making Resolutions, which all the World must see to be of no Use.

'This, my Lords, is a very strong Argument against our coming to the Resolution proposed; but there is still a much stronger; for it would, in my Opinion, be a very high Indignity offer'd to his present Majesty's Government; it would tend to make the whole World suppose, that some very heinous Practices had been lately carrying on by his Majesty's Ministers for influencing the Elections of the sixteen Peers for *Scotland*; and to suppose that his Majesty is or can be so unjust as to countenance such Practices, or that he can be so weak as not to discover them, if any such were carrying on by his Ministers, is one of the highest Indignities that can be offered to the Crown. It is indeed a Supposition which no Man can make who is in the least acquainted with

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his Majesty's Justice, Penetration and Watchfulness for the Good of his People; but our coming now to such a Resolution, would be doing at least all in our Power to raise such a Suspicion in the Nation and among the Vulgar and Ignorant, or in the remote Parts of his Majesty's Dominions, it might have a fatal Effect.' Ann. 7. Geo. II.
1733-4.

' Besides this, my Lords, it would be a most heinous Affront offered to the whole Peerage of *Scotland*; it would be as supposing that the Majority of them are directed in their Way of voting at the Election of their sixteen Representatives, by corrupt and mercenary Views: This would be a Conclusion that every Man without Doors would naturally draw, when he heard that your Lordships had come to such a Resolution; no Man would imagine that such a Thing could have happened without any Proof, without any Foundation. The Peers of *North-Britain*, my Lords, are by the Articles of Union declar'd to be Peers of *Great-Britain*; they are to have Rank and Precedence before all Peers of *Great-Britain* of the like Order and Degree, created since the Union; they are to enjoy all Privileges as fully as the Peers of *England*, except sitting in this House, and upon Trials of Peers; and why they should be thus distinguished by a particular Resolution of this House I cannot comprehend. They have, 'tis true, no Share in the Legislature, except in that of voting for their own Representatives in this House; but is there any Colour of Reason for suspecting them of corrupt and mercenary Views in their Way of voting for their own Representatives, more than there is for suspecting every Lord here of such Views in his Way of voting, as to every Question that arises in the House.'

' As for any Suspicions that may be entertain'd about the Election of the sixteen Peers for *Scotland*, in the latter End of the Queen's Reign, they may be easily cleared up: The Election at that Time did not proceed from mercenary or corrupt Views, but from Views of a more malignant Tendency, if any such can be. It is well known that many of the then Peers of *Scotland* were either secret or avowed *Jacobites*: Upon that fatal Change of the Ministry here, they all conceived great Hopes; thereupon many declared themselves openly who had never done so before; and some of the Nonjurors came in and qualified themselves, in order to serve a Turn at that Time, which they took to be in favour of that Principle they had always cherished; and all these joining with the *Scots* Peers, who were then actually employed in the Administration, carried the Election against those who stood firm to the Principles of the Revolution, and to the Protestant Succession, as established in his present Majesty's Family: But, thank God, their Reign was but short.

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short ; and his late Majesty's Accession put an End to all their Views of doing any thing in a Parliamentary Way ; by this the new Election was easily carried in favour of the Friends to the present Establishment ; and soon after most of the professed *Jacobites* in *Scotland* joined in an open Rebellion, by which they forfeited their Titles as well as their Estates to the Crown ; whereby the Neck of that Party was entirely broke, so that they have never been able to make any Effort at an Election since that Time.

Now, my Lords, as to those Prophecies which have been made to us about the ensuing Election of Peers for *Scotland*, I am afraid they are as ill founded as any other of our modern Prophecies ; and I shall be glad to find them as false ; for I have so great a Respect for the Sixteen we have now the Happiness to have among us, that I could wish they were all in for Life ; but as their being here depends upon a free Election, their being all returned again is what neither they nor we can expect ; and indeed if it should happen, it would give me a strong Reason to suspect that the Election had not been free : It is natural to suppose that every Election will bring some new Lords among us ; and for them some of the former must be left out : Because a noble Lord is firmly attached to the present Establishment, because his Family has always been zealous for Revolution Principles, is that a Reason, my Lords, for us, or for him to expect that he should always be returned one of the Sixteen to represent the Peers of *Scotland* in this House : No, my Lords, there are many noble Peers in *Scotland* ; and all are, I hope, firmly attached to the Royal Family now upon the Throne, tho' some may not perhaps have had an Opportunity of shewing it so fully to the World as others may : In such a Case it is reasonable to expect that every one will endeavour to have his Turn ; and where there is a free Election, it is reasonable to expect that those Lords who have not a Mind to set up for themselves, will sometimes oblige one, and sometimes another.

But even as to the ministerial Parties that have been talked of, it is as reasonable to suppose that the Peers of *Scotland* will naturally divide into two Parties for and against the Ministry, as to suppose that they can naturally divide themselves into two Parties for and against the Establishment : For while the Administration, while the Ministers for the Time being, pursue no Measures but what are for the Honour of their King, and the Good of their Country, it is as reasonable to suppose that all those who think so will naturally join in the supporting of their Measures, as it is to suppose that they would naturally join in the Support of the present Establishment, were it possible to bring it into
Dispute ;

Dispute; and were I a Peer of *Scotland*, and convinced of Anno 7. Geo. 12. the Wisdom and Uprightness of all the Measures pursued by the Ministers for the Time being, I should be as loth to give my Vote for returning a Lord to this House, who, I knew, or even suspected would oppose the Ministry in all their Measures, as I would be to give my Vote for returning to this House a Lord whom I knew to be really disaffected to his Majesty and his Family: And as there never was yet in any Country a Set of Ministers, whose Measures were approved by all Men, therefore I shall always expect, that upon every Election in *Scotland*, the Peers will naturally, and without any selfish or corrupt Views, divide themselves into two Parties, one whereof will be composed of those who do not approve of the Measures pursued by the Administration, and the other of those who do approve them; the natural Consequence of which will be, the proposing or concerting of two Lists; and in such Case it is very natural to conclude, that one of the Lists will always be returned without an Exception: For this Reason, my Lords, as well as on Account of the natural Uncertainty and Changeableness of a free Election, I shall be no Way surpris'd, if some of the noble Lords now in this House be not rechosen at the next Election: The Capacity and the Qualifications of the noble Lords, we have now the Happiness to have from that Country, are well known, and no Man has a better Opinion of them than I have; yet I make no Doubt, but that there are other Lords in *Scotland* of equal Capacity, and equally qualify'd for representing the Peerage of that Kingdom in this House, and if they should send up some new Representatives in the Room of some of those who are now here, I shall be very far from imputing it to any undue Influence; on the contrary, I shall from thence conclude, that the Election has been absolutely free and uncontrouled.

As to the contriving and making Laws against Corruption, the other House of Parliament, my Lords, has very good Reason for so doing: It has been often proved, at the Bar of that House, that Bribery and Corruption has been practis'd in the most flagrant Manner at the Election of some of those who have been returned Members of that House; and therefore they have often had a most substantial Reason for taking the Alarm, and for providing against that mortal Foe to the Constitution of their Country, who, they perceived, had already attacked it in the most tender Part: But for God's Sake, my Lords, what Reason have we for this Alarm? Has it ever been proved at the Bar of this House, has it ever yet been so much as pretended by any Lords in this House, that the Sixteen Peers for *Scotland*, or any of them, were elected by the Means of Bribery and Corruption, or by the Means

Anno 7. Geo. II.
1733-4

Reply in Favour
of the Duke of
Bedford's Moti-
on by

E. of Stair.

Ld Willoughby
de Broke.

Ld Bathurst.

Ld Carteret.

E. of Chesterfield

E. of Winchel-
sea.

of any other Sort of undue Influence? Is not this a material Difference between this House and the other? Is it not from thence clear, that we have no Manner of Reason for contriving any Law against Corruption? And much less have we a Reason for coming to any such Resolution as is now proposed.

To this it was replied by those who spoke in Favour of the Motion, in Substance as follows.

My Lords,

' I find, it is admitted of all Sides, that the giving or promising of Money or other Reward, or the making use of any Sort of Threatenings or Promises, in Order to influence the Election of the Peers for *Scotland*, is directly contrary to Law, and therefore it is needless to say any Thing further as to that Point; but as to Solicitations or asking of Votes, I must beg Leave to explain it a little. I shall agree with those Lords who have spoke upon the other Side of the Question, that every Lord of that Country may be a Candidate, and as such may apply to the other Lords for the Favour of their Votes at the ensuing Election, and as the Law now stands (tho' I wish it were otherwise) every Lord may ask the same Favour for those of his Friends who may likewise be Candidates; but with Regard to Ministers of State, and those in high Offices under the Crown, there is a great Difference as to the Manner of Application which they make use of, in Order to obtain the Favour for which they solicit; if they ask merely as Peers, either for themselves or their Friends, without the Ministerial Weight of Threats or Promises, they do not, I think, offend against the Laws now in being; but if any Thing of the Minister appears in their Manner of asking, it may be of the most fatal Consequence to the Freedom of the Election.

' In Order to explain what I mean, I shall take an Example from the Elections of the other House: Tho' a Gentleman be a Commissioner of the Treasury, or of the Admiralty, he may without Doubt set up as a Candidate to represent any County, City or Borough in *Great-Britain*; he may ask the Electors for the Favour of their Votes, and wherever he has a natural Interest, he may make use of that Interest in Favour of his Friends; but if he should make Interest either for himself or his Friends, not as a private Gentleman, but as a Lord of the Treasury, or of the Admiralty, and as such should, by his Agents, send his Commands to those who depend, or may expect to depend upon the Board to which he belongs, with Directions how to vote, or for whom to make Interest, in any County, City or Borough in *Great Britain*, such a Method of Application would be highly criminal; it ought, I think, to be deemed High-Treason. In like Manner, my Lords, if upon an approaching Election in *Scotland*, any

any Lord of that Kingdom, who happened to be in a high Office under the Crown, should by himself or his Agents so much as insinuate, that the King, the Government, the Ministry, or the like, expected that any Lord of that Kingdom would vote for such a Man, or such a List, such a Solicitation, I say, my Lords, might be fatal to the Freedom of that Election, and would consequently be highly criminal: And this Distinction ought to be particularly attended to, when we talk of Solicitations in any Election whatsoever.

As our Laws now stand, my Lords, we ought to be particularly watchful in this Respect; and considering the vast Power lodged in the Crown, considering the many Favours the Ministers of the Crown have to bestow, I am afraid our utmost Watchfulness would signify nothing if any such Attempts should ever be made by those in Power. It is impossible to prevent the Ministers of the Crown, or their Agents, intermeddling some way or another, almost in every Election in *Great Britain*: Let them make their Application in the most humble Manner, let them make use of the most modest Expressions that can be thought of, those they apply to will depend upon their Favour, if they comply with their Request, and if they refuse to comply, they may, they will expect their Malice: The Request of a Man in Power, tho' made in the most humble Manner, must always necessarily imply a Threat if denied, a Promise if complied with: This must consequently have a great Influence upon all Elections, and if Obedience to such Requests should once be found to be the only Road to Preferment either in Church or State, they will soon become fatal to the boasted Liberties of this Nation.

It was for this Reason, my Lords, that I lately in this Committee gave my Vote for having all future Elections of the Sixteen Peers for *Scotland* made by Balloting. It was for this Reason, my Lords, that I most heartily concurred in agreeing to that Bill, which in the late King's Reign was passed by this House, for making so many Hereditary Peers for *Scotland*, and for limiting the Power of the Crown with Respect to the creating of any new Peers of *Great-Britain*. That necessary Bill was thrown out in the other House*; it was thrown out (I do not know how) by the Assistance even of some of those who have always pretended to be Patrons of Liberty. My Opinion was then, my Opinion is so still, That it was the best contrived Bill for the Preservation of the Liberties of this Country, that was ever brought into either House of Parliament; and I must say, that if I had had the Misfortune to have been one of those who opposed that Bill, I should from that Moment have thrown up all Pretences to

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* See CHANDLER'S History of the COMMONS, Anno 6, Geo. I. p. 213.

Anno 7. Geo. II. my being a Lover of Liberty ; I should have expected that every Man would have told me, that I made use of that popular Pretence only as a Step to Power, but that he saw plainly I had no Regard for it, when it came in Competition with any of my own little private Views.

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Suppose, my Lords, that the Laws now in being are fully sufficient for preserving our Constitution against the baneful Effects of Corruption ; suppose that they want no Addition or Amendment ; yet is it not an usual Thing, may it not sometimes be a necessary Thing to revive such Laws ? Does not his Majesty often do it by Proclamation ? And the only Way that either House of Parliament can revive any Law, is by a Resolution. Suppose again that the Laws in being are not sufficient to preserve us against all Manner of undue Influence in Elections ; we all know that a new Law for amending and strengthening the old is not so easily contrived, nor so easily passed ; it requires some Time to consider the Laws in being, to discover their Defects, to find out the Methods of evading them, and to contrive proper Precautions against such Evasions ; all this requires Time, and when this is done, we are not sure that the other House will join with us in Opinion, we are not sure that the King will consent to what both Houses have agreed to. In the mean Time, is it not very proper, may it not be absolutely necessary to endeavour to put some Check to the growing Evil ? There have, 'tis true, been many Laws lately passed for regulating the Elections in the other House, and for preventing Corruption as to them ; but has there ever any one been passed in the Parliament of *Great-Britain*, for regulating the Elections of the Sixteen Peers for *Scotland* ? Does not that Election now depend only upon the Common Law, and upon that Act of the last *Scots* Parliament, by which the Manner of electing those Peers was regulated ? Suppose that Act to be sufficient for guarding against Corruption, yet it is now so long ago, that it may be, and, in my Opinion, it is very proper to revive it : But, my Lords, it is plain that the Election of those Sixteen Peers is not fully regulated, nor the Evils of Corruption sufficiently guarded against, either by the Common Law or by that Act of the *Scots* Parliament : The very Committee we are now in shews the contrary : Your Lordships would never have agreed to the going into this Committee, if you had thought that no Regulation or Amendment was necessary : We are all sensible of the Deficiency, but we have not yet, it seems, fallen upon a proper Method to make up that Deficiency ; and till that can be done, let us do what is now in our Power ; let us agree to the Resolution proposed. It will at least justify this House to the World : If ever there was any undue Influence made use of at that Election, if there

there shall be any such at the next Election, it will shew that the Majority of this House were innocent; it will shew that we endeavoured to provide against it as soon as we could.

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‘ What is now proposed is so far from being an Indignity offered to his Majesty, that the very pretending that it is so, or that his Majesty would take it as such, is one of the greatest Indignities that can be offered to him. Can it be thought that this House is so short sighted as never to provide against an Evil till it has fallen upon us? The very pretending to think so of this House, or of either House of Parliament, is, in my Opinion, a very high Indignity to both: Can it be thought that his Majesty would look upon any Provision made by either House of Parliament for the Safety of our Constitution, as an Indignity offered to him? No, my Lords, every wise King, such as his Majesty is, must be heartily engaged in the Preservation of our Constitution, because that if any Wrong be done, he is justified by the very Nature of our Constitution, his Ministers and evil Counsellors only are to bear the Blame. This indeed may make Ministers, and certainly will make wicked Ministers endeavour to overturn our Constitution; but a just and a wise King will always join with his Parliament in preventing the bad Effects of evil Counsellors, as well as in bringing them to condign Punishment.

‘ Was it, my Lords, ever pretended that the late King looked upon the Peerage-Bill I have now mentioned as an Indignity offered to him? Might it not have then been said, that the passing of such a Bill would have made the World suppose, that his late Majesty had made some unjust Use of the Prerogative of the Crown in the Creation of Peers? Might not this, I say, have been pretended with as much Justice as to pretend now, that our coming to the Resolution proposed will make the World believe, that his present Majesty has countenanced, or at least suffered some wicked Practices to be made use of in the Election of the Sixteen Peers for *Scotland*? Every one of your Lordships must see that there was then as much Ground for the one Pretence, as there is now for the other: Yet so far was his late Majesty from harbouring any Thought that an Indignity was thereby offered to him, that he approved of the Bill before it was brought into this House. He not only approved of that Bill, my Lords, but he made use of an Expression which ought never to be forgot; an Expression which ought to be, which always will be remembered by every true *Briton*: He told his Ministers, ‘ Gentlemen, consider what may be wanting for the Security of your Constitution; for whatever may be thought necessary for that Purpose I am ready to consent to.’ And as his present Majesty inherits the Crown
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of his Father, so I know he inherits all those good Qualities which shone forth with so much Lustre in him. Therefore, my Lords, we are not in the least to suspect that his present Majesty will look upon this Resolution, or any Resolution we can come to, for preventing Sixteen Ministerial Peers being always forced in upon us from *Scotland*, as an Indignity offered to him.

As the Proposition now before us cannot be thought to be an Indignity offered to his Majesty's Government, so neither can it be thought any Sort of Affront to the Peerage of *Scotland*: On the contrary, every Man of Honour, as all the Peers of that Nation are, must take it as a Piece of the utmost Regard that can be shew'd to them: It is not easily to be presumed, that any of the present Peers of *Scotland* can be biassed by Bribery, by Threats, or by Promises; but neither we, nor they, can tell what Sort of Men their Posterity may be; nor can any Man certainly conclude, that every one of such a great Number of Men, will have Virtue enough to withstand the great Temptations, which an enterprising Minister, sole Master of the Ear of his Master, may be able to throw in their Way; and therefore all that is, or can be designed by the present Motion, is, to prevent them, or their Posterity, from being led into Temptation; and to put it out of the Power of any Minister to make any of the present or future Peers of *Scotland* suffer for their adhering strictly to the Rules of Honour and Virtue: The Pretence for this Affront is built upon the same sandy Foundation with the former; it is built upon the Supposition, that this House can never think of providing against an Evil, 'till it has actually happened: But to me, my Lords, it is still something more extraordinary to ask in this Case: Why should the Peers of *Scotland* be thus particularly distinguished from the other Peers of *Great Britain*? Is it possible to make a Question of this? Does not every Man at first Sight see, that the Peers of *Scotland* are, by the very Nature of our Constitution, distinguish'd from the other Peers of *Great Britain*? Is there any other Peer of *Great Britain* who has any Thing to do with Elections? I must then leave it to your Lordships to consider, how odd it would have looked, to have proposed such a Resolution in general Terms: It must then have run thus, 'That the giving or promising any Sum of Money, or other Reward to any Peer of *Great-Britain*, for giving his Vote at any Election, was a high Insult.'—And if it had been proposed in such Terms, would not every Man, who knows any Thing of our Constitution, have had Reason to have laughed at such a Proposition?

: Without

Without Doors, my Lords, there are Suspensions that some of the former Elections of *Scots* Peers have proceeded from undue Influence : We of this House are, and have been personally acquainted with most of the Peers of *Scotland*, we know their Honour and their Integrity, and therefore we conclude, that there is no Ground for such Suspensions ; but those who have not had the Honour of a personal Acquaintance with them, must judge from Events ; and notwithstanding what a noble Lord was pleased to say about the Election of the Sixteen Peers for *Scotland*, in the latter End of the Reign of Queen *Ann*, it must appear a little odd to those who are not particularly acquainted with the History of that Time : A great Majority of the *Scots* Peers had but a few Years before agreed to the Union, by which the Protestant Succession was established in that Kingdom ; and to see that a great Majority of the same Men (for there could not be any great Change by Death in that Time) should so soon after join together in undermining that Protestant Succession, must, I say, my Lords, appear a little extraordinary to the Generality of Mankind : They will not believe, that two such contrary Events could proceed from the same Cause, and therefore they will be apt to conclude, that there was some foul Play in one, or perhaps in both.

To pretend, my Lords, that a whole Body of Men will naturally interest themselves so passionately and so zealously in the Dispute about the Wisdom and Uprightness of the Measures of any Minister or Ministers, as to sacrifice thereto all Ties of Blood, all Ties of Gratitude, Friendship, and Acquaintance, is really some Thing very new. It is well known, that such a fervent Zeal never takes Place, but in the Time of, or in the Prelude to a Civil War ; and God forbid it should ever be in the Power of any Minister to involve this Nation in such a Calamity, for the Sake of justifying his Measures : Even in the Time of Civil Wars, it has often happened, that private and personal Friendships have subsisted to the very last, between public Enemies : How then can it be supposed, that any Lord of *Scotland* should, at the next, or at any future Election, naturally agree to leave out of his List of Sixteen Peers, some Lords who are his near Relations, his old Friends, and his great Benefactors, and fill up in their Room others, who are no Way related to him, with whom he never had any intimate Acquaintance, from whom he never received any Favour ? That this, my Lords, should be a natural Effect, or that it should proceed from a furious Zeal for or against the Measures of the Administration, is impossible

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possible to conceive ; and therefore, if any of the noble Lords we have now among us, whose Zeal for the Protestant Succession cannot be doubted of or exceeded ; who I know to be related to many of the noble Families in *Scotland* ; who I know to be intimately acquainted with many of the present Peers of that Kingdom ; who I know to have done great Favours to many of them, and whose Capacity and Services are known to the whole World ; If such, I say, should at the ensuing Election be left out, and others chosen in their Stead, who are related to few of the Peers of *Scotland*, who are acquainted with few of them, who have never been Benefactors to any of them, and whose Capacity shall be found not to be near equal to the Capacity of those left out ; I shall be very apt to conclude, I am afraid the Generality of Mankind will conclude, that this was not the Effect of an honourable and free Election.

‘ I shall admit, my Lords, that Bribery and Corruption in the Election of the Members of the other House, has been often proved at their Bar ; I wish it had been as often proved as it has been practised ; I shall admit that this was a Reason, tho’ not the only Reason, for their taking the Alarm : But, my Lords, we find that they have lately taken the Alarm, and have done what they could to prevent a Practice which has never yet been proved at the Bar of that House. So far as I can remember, it was never yet proved at the Bar of that House, or so much as alledged in the House, that any particular Member, after he was chosen and returned, had been influenced in his Way of voting in that House by Bribes, Pensions, Threatenings, or Promises ; and yet against this Practice they have, I think, most justly taken the Alarm, and have several Times sent up a Bill to this House for preventing that Practice : Therefore, if we follow the Example of the other House, we are not always to wait till a pernicious Practice has been proved at our Bar. In private Life a Man may be long justly suspected before he can be openly accused of a Crime ; and as high Crimes are carried on in the most secret Manner, they are less liable to be discovered, and may therefore be carried on for many Years, before such a Proof can be had, as may enable either the Publick, or any private Man, to commence a Prosecution. Shall a private Man neglect to secure the Doors and Windows of his House, because no Thieves had ever attempted to enter ? If he does so, my Lords, the Thieves will probably enter ; and after they are entered, he may perhaps find it a very difficult Matter to get them out again, till they have robb’d the House of every Thing that is valuable. In like Manner, are we to neglect to secure this House against Corruption, because we cannot as yet positively say that it

has

has ever endeavoured to enter? My Lords, if we don't in Anno 7. Geo. II. Time secure all the Avenues to this House against such a cunning Betrayer, it will be impossible for us to keep him out. And if he once enter, it will be absolutely impossible for us to turn him out, till he has robb'd us of that precious Jewel, the Liberty of our Country, which has always been, and always must be left in the Keeping of the two Houses of Parliament; for I am very well assured, that it will for ever be impossible to prove at the Bar of this House the Practice of Corruption, to the Conviction of those who have got their Seats here by the Means of Corruption.

Upon hearing this new Sort of Doctrine broached in this House, I cannot, my Lords, but reflect with deep Concern, upon an Observation made upon our Country, by a *French Gentleman*, who was taken with the Marshal *Tallard* at the Battle of *Hochstet*, and was afterwards several Years a Prisoner in *England*. When he returned to *France*, he was giving an Account of his Observations upon *England*, and, among the rest, he told his Company, that the *English* had a Thing among them which they called a Nuisance; that is, Gentlemen, says he, no Thing that is offensive to the Neighbours, or that may probably do a Mischief to the Passengers: For removing of Things of this Nature, the *English* have very good Laws, but so indolent, so negligent are those People, that they seldom or ever think of removing a Nuisance till it has done some notable Mischief. An Example of this Kind happened in the Neighbourhood where I was quartered; there was in a By-road a Timber Bridge upon a very deep River in that Neighbourhood, and soon after I arrived there, a large Hole happened to be broke through in the Middle of that Bridge, I passed that Way, I observed the Hole, I took Notice of it to all the Gentlemen in the Country; I repassed several Times that Way, still the Hole was there, and daily grew bigger; it continued so for many Months: The Laws were sufficient for removing this Nuisance, for enforcing the Reparation of this Bridge, but no Man would be at the Pains to put them in Execution; at last an unfortunate Gentleman, of some Distinction, passing that Way in a dark Night, his Horse stumbled into this Hole, fell through, was drown'd, and the Gentleman himself much hurt. Then the Justices of the Peace met, and immediate Orders were given for repairing the Bridge: I do not know but the Gentleman found Means to recover the Value of his Horse, but no Man could make Reparation to him for the Pain he endured. This, my Lords, was the *French Gentleman's* Observation upon our Country; and really what I have this Day heard from some noble Lords, who oppose this Motion, makes me be-

Anno 7. Geo. II. gin to think it was just. But let us consider, my Lords, that if we make no Provision in the Case now before us, if we leave this Hole unmended, till that which is the Support of our Constitution, a free Election, has fallen through, it will be impossible to prevent our Constitution's falling through at the same Time, and both must certainly perish in the Gulph of Corruption.

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‘ For this Reason, my Lords, I hope, I must beg, that a Negative may not be put upon the Resolution now proposed ; if a Negative should be put upon it, if it should be even but delayed, I shall most heartily wish the Motion had never been made ; for it will be a Foundation for so much Triumph to the Dealers in Corruption, if any there be ; it will cast such a Damp upon all future Attempts against Corruption, that I am afraid the Practice will soon come to be barefaced in every Part of our Constitution.

Then the Question being put, ‘ That the Question be now put upon the above Motion, it was resolved in the Negative.

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Dissentient

Protest on the said Question's being pass'd in the Negative.

I. Because we apprehend that this Resolution, being only declaratory of undeniable Truths, ought not to have been avoided by a previous Question, since, we fear, the leaving it undetermined may tend to encourage Practices dangerous to our Constitution in general, and to the Honour and Dignity of this House in particular.

II. Because we think this House cannot shew too strong an Abhorrence of Practices, which, whether they have been committed or not in former Elections, are yet of such a Nature as may possibly hereafter be attempted by a Minister, who may find it necessary to try all Methods to secure a Majority in this House, either to promote his future ambitious Views, or screen his past criminal Conduct.

Suffolk, Marchmont, Shaftsbury, Gower, Carteret, Bedford, Ker, Bristol, Bolton, Chesterfield, Willoughby de Broke, Tadcaster, Cardigan, Foley, Litchfield, Tweedale, Abingdon, Strafford, Bathurst, Coventry, Berkshire, Tbanet, Stair, Aylesford, Cobham, Bruce, Oxford and Mortimer, Craven, Northampton, Griffin, Marlborough, Winchelsea and Nottingham, Boyle, Montrose.

Motion to empower the Committee to inquire of proper Methods to encourage the Trade of the Plantations, and for their better Security.

March 26. The House was moved, That the Select Committee appointed the 7th Instant to consider of the Representation of the Commissioners for Trade and Plantations relating to the Laws made, Manufactures set up, and Trade carried

carried on in any of his Majesty's Colonies and Plantations in Anno 7. Geo. II. 1734.
America, which may have affected the Trade, Navigation, and Manufactures of this Kingdom, be impowered to inquire of the proper Methods for the Encouragement and Security of all Trade and Manufactures in the said Plantations, which no Way interfere with the Trade of *Great Britain*, and for the better Security of the Plantations themselves.

And a Question being stated thereupon, it was proposed after the Word *Encouragement* to leave out *and Security*; which being objected to, and Debate had thereupon, the Question was put, whether the Words *and Security* shall stand Part of the Question; it was resolved in the Negative. by 52 against 28.

Then it was proposed, That these Words at the latter End of the Motion, *viz. and for the better Security of the Plantations themselves*, be left out; but the same being objected to, the Question was put, whether these Words shall stand Part of the Question? and it was resolved in the Negative.

Dissentient

Because we apprehend, that if the Safety of the Plantations themselves is not thought a Matter worthy the Consideration of the Parliament, it is of little Consequence to consider of their Laws, Manufactures, or Trade. Protest on a Negative being put on the said Motion.

Bedford, Bathurst, Berkshire, Tweeddale, Abingdon, Coventry, Strafford, Tadcaster, Litchfield, Thanet, Cartaret, Winchelsea and Nottingham, Bolton, Aylesford, Goswer, Stair, Northampton, Montrose, Bristol, Marchmont, Cardigan, Craven.

Then the Question was put, whether the said Committee shall be impowered to inquire of the proper Methods for the Encouragement of all Trade and Manufactures of the Plantations in *America*, which no way interferes with the Trade of *Great Britain*, or which may be of Use to *Great Britain*? and it was resolved in the Negative.

Dissentient

I. Because we apprehend, that the new Powers proposed to be given to the Committee, were not only expedient, but absolutely necessary, since (by the Account given by several Lords who attended the Committee, and contradicted by none) it appeared to the House, that from the Informations of Merchants of undoubted Credit, *Jamaica, Barbadoes*, and the *Leeward Islands*, were in so defenceless a Condition, that they might be taken in Twenty

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four Hours; and we conceive that such imminent Danger of such valuable Possessions required an immediate and minute Examination, in order to discover the Causes and Nature of the Danger, and to apply proper and adequate Remedies.

II. Because we conceive, that the chief Reason urged in the Debate against this Inquiry, is the strongest Argument imaginable for it, *viz.* That it might discover the Weakness of these Islands in the present critical Juncture of Affairs, and invite our Enemies to invade them: Whereas, we think, that this critical Juncture calls upon us to put our Possessions in a State of Defence and Security in all Events; and since we cannot suppose, that their present defenceless Condition is unknown to those Powers who are the most likely to take the Advantage of it, we apprehend it to be both prudent and necessary, that those Powers should at the same Time know, that the Care and Attention of this House was employed in providing for their Security. We conceive likewise, that such an Argument may tend to debar a House of Parliament from looking into any of our Affairs, either Foreign or Domestick, if in any Transaction at any Time there shall appear to have been a weak, treacherous, or negligent Management, the Directors will never fail to lay hold of that Argument, to stop any parliamentary Inquiry; and the Fear of discovering a National Weakness may be urged only to prevent the Detection of ministerial Negligence or Guilt.

III. Because we have found by Experience, that we can never be too attentive to the Preservation of the Possessions and Dependencies of this Kingdom, since Treaties alone will not bind those Powers, who, from the Proximity of their Situation, from favourable Opportunities, or other Inducements, may be tempted to attack or invade them. But the Interposition of a *British* Parliament will be more respected, and more effectual, than the occasional Expedients of fluctuating and variable Negotiations, which, in former Times, have been often more adapted to the present Necessities of the Minister, than to the real Honour, and lasting Security of the Nation.

IV. Because we apprehend, the debarring this House from any Inquiry into the Conduct of Ministers for the Time past, or from giving their Advice in Matters of great Concern to the Publick, for the Time to come, tends to destroy the very Being of this House, and, of Consequence, the whole Frame of our Constitution: And how melancholy a View must it be to all his Majesty's Subjects, to see the private Property of so many Particulars, and so advantageous a Trade to the Whole, refused to be brought under the Inspection of this House, and yet, as far as appears to us, totally neglected by
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the Administration? And we are the more surprised to find this Backwardness, with Regard to the Interest of our Colonies, since we are persuaded, that the Balance of Trade at present is against us in most Parts of the World, and only compensated in some Degree by what we gain by our *West-India Trade*: Neither can we allow, that they ought to be left to look after themselves, since they have a Right to claim even more than the Protection of their Mother-Country, by the great Wealth they annually transmit to it, and the great Duties they pay to the Increase of the Publick Funds, and the Civil List; and we are fully convinced, that if this beneficial Trade should once be lost, it will be irrecoverably lost, to the infinite Damage of this Kingdom. For tho' the Islands should be restored to us afterwards, the Utensils and Stock of Negroes being carried away, it would take up a long Tract of Time, and would be a very great Expence to the Publick, to re-instate them in their present Condition: We rather think it impracticable to restore them, tho' we can by no Means suppose it difficult, by timely Precaution, to prevent their Destruction.

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Chesterfield, Tadcaster, Coventry, Tbanet, Carteret, Winchelsea and Nottingham, Stair, Bedford, Northampton, Strafford, Bolton, Montrose, Abingdon, Berkshire, Bathurst, Litchfield, Tweeddale, Gower, Marchmont, Bristol, Cardigan, Foley, Craven.

March 28. The House went into a Committee upon a Bill from the Commons, *To prevent the infamous Practice of Stockjobbing*; and the said Bill being read a second Time, the Earls of *Warwick* and *Cholmondeley*, and Lord *Hervey*, spoke against the Bill: Their Lordships urg'd, 'That the Grandeur and Strength of a Nation depended upon publick Credit, which was a Thing of a very ticklish Nature, and did not always depend upon Reason, but upon the Opinions of Men; and therefore it was very dangerous to make any Innovations with Respect to our publick Funds; for tho' one Man might have a good Opinion of the Innovation proposed, yet he could not tell what Opinion others might have of it.'

Debate on a Bill
to prevent
Stockjobbing.

E. of Warwick.
E. of Cholmondeley.
Ld Hervey.

'That all human Regulations, all human Affairs, were subject to Imperfections and Inconveniences, and therefore Legislators had in all Countries been forced to suffer small Inconveniences for the sake of greater Conveniences; which was really the Case then before them; for tho' Stock-jobbing was an Inconvenience, yet considering how much it contributed to the ready Circulation of Money, and to the supporting the Credit of our Funds, it was therefore to be tolerated.

'That the Credit of our Funds depended very much upon the

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the ready Access that People had at all Times to their Money, and that this ready Access was chiefly owing to the Practice of Stock-jobbing; by this Practice it was, that every Man was always sure of finding a Purchaser for his Stock whenever he had a Mind to sell, and by this only it was, that there was always a certain and fixed Market-Price upon every one of our publick Funds; whereas, should this Practice be entirely destroyed, it might soon become as difficult to find a Purchaser for Stock, or to ascertain the Price of it, as it is now with respect to Land; and the concluding of a Bargain might become as tedious in the one Case as it is now in the other.

‘ That at present our People got by Commission and Brokerage from Foreigners at least 80,000 *l. per Annum*, which would be intirely lost to the Nation, if that Bill should pass into a Law; because all Transactions of that Nature, even in our own publick Funds, would then be carried on upon the Exchange of *Amsterdam*; and it was well known, that when any Branch of Trade is diverted and turned out of its old Channel, it is no easy Matter to bring it back again; and therefore, tho’ the Bill was to continue but for three Years, they could not agree to it, because if the Trade of buying and selling any of our publick Funds should be turned out of this Kingdom for three Years only, it might not be in our Power to bring it back again.

‘ That if the Creditors of the Publick were not allowed as free and uncontrouled a Liberty of disposing of their Properties in the publick Funds, as of any other Part of their Property, it would not only prevent People’s becoming Purchasers of any of our present Funds, but it would prevent People’s lending their Money to the Government upon any future Emergency, which might be attended with the most fatal Consequences.

‘ That in all other Branches of Trade, there was a free Liberty allowed to every Person that had a Mind to insure his Stock in Trade: That the selling of Stock for time, and the giving of Money for the Put of Stock (as it was called in *Exchange-alley*) was nothing else but a Way of insuring the principal Money which a Man had in the publick Funds; and the preventing a Man from taking that Method of securing his Property in the Funds, would be a very great Hardship upon all the Creditors of the Publick.

‘ That it was doing an Injustice to the Persons concerned in the publick Funds; because it was a subjecting them to Conditions and Restraints which they were not subjected to, nor could possibly dream of, when they lent their Money to the Publick; which was really in Effect taking so much of their Property from them; for it was certain, that every sort of
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Property was of the less Value, the more Conditions and Restrictions it was subjected to : Nor could any Argument in Favour of the Bill be drawn from that Law which had been made against laying Wagers about publick Affairs ; because those that might be concerned in such Wagers had never purchased from the Publick a Privilege to lay any such ; whereas the Creditors of the Publick had in some manner purchased a Privilege of taking any Method they thought proper for making the most of the Property they had in the publick Funds.

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‘ The Earls of *Strafford*, *Ilay*, and *Winchelsea*, the Lords *Bathurst* and *Hardwick*, spoke for it : Their Lordships alledg’d, ‘ That there was really no Difference between Stock-jobbing and gaming ; or if there was any, it consisted in this, that the former was much more fatal in its Consequences, and much more destructive than the other ; for if any Man frequented Hazard-Tables, Horse-racing, Cock-fighting, or any other Sort of publick Gaming, it became soon known in the World, and thereby every Man was advertised to draw his Effects out of such a Man’s Hand, and not to give him any Trust or Credit, so that if such Men came to be ruined, they generally could lose nothing but their own Estates, and none suffered by their Folly or ill Conduct but themselves and their Families ; whereas in the Transactions in *Exchange-Alley*, they might be, and generally were carried on in the Dark ; it was not known who were principally concerned, by which Means a Man might game for Thousands, without its being so much as suspected that he had ever ventur’d a Farthing in that Way ; whereby it generally happened that not only the Gamester himself was ruined, but many innocent Men, concerned with him in an honest and fair Way of Trade, found themselves undone, when they had good Reason to think themselves absolutely secure.

E. of *Strafford*.E. of *Ilay*.E. of *Winchelsea*.Ld *Bathurst*.Ld *Hardwick*.

‘ That Stock-jobbing was worse than Gaming in this other Respect, that Gaming of any other Kind might be carried on upon a fair and equal Footing, but it was impossible that Stock-jobbing ever could ; for there must always be some Persons behind the Curtain, who must necessarily know a great deal more of the Game than it was possible for the other Adventurers to know, by which Means they always had an Opportunity of cheating their Fellow Gamesters out of what Sums of Money they had a mind ; and it was but too well known that Men had often made an unjust Use of the Knowledge they had in this Way.

‘ That by the Means of this infamous Practice of Stock-jobbing, it was always in the Power of some of our Foreign Neighbours to lay a heavy Tax upon this Nation, and to draw

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 Anno 7. Geo. II. draw a great deal of Money out of it, whenever they thought proper; for as the Prices of all our publick Funds must always depend, in some Measure, upon the Circumstances of Foreign Affairs, and must vary according as those Circumstances vary, it would always be in the Power of the Ministers of some of the Foreign Courts of *Europe*, by Means of their Correspondents here, to raise large Sums of Money, by giving out a little for the Refusal or for the Put, of some of our publick Funds.

And in Answer to the Arguments made Use of against the Bill, it was said, That publick Credit, 'twas true, depended upon the Opinions of Men, but then those Opinions were always founded upon Reason, when People were truly informed, and had Time to think coolly about the Matter, which could not well happen, as long as the Game of Stock-jobbing was allowed, for Thousands of Lies would be daily invented to deceive the weak and ignorant; and Men would always run head-long into the Buying or Selling, or dealing in Puts and Refusals, not according to the real intrinseck Value of the Thing to be bought or sold, but according to their Opinion of the Price's being about to fall or rise.

That the Credit of our Funds did not depend upon the gaming or Stock-jobbing in them, but rather suffered by it, as appeared evidently from this, that the *South-Sea* Annuities, in which there was little or no gaming, had always bore a higher Price than the Stock, in Proportion to the Dividends made upon both; and it was certain, that every Man who was not possessed with something of the Spirit of Gaming, would put a greater Value upon that Security, which he was sure of selling again for what it cost him, than upon a Security by which he run the Risk of losing or winning a great Deal: And as to the Certainty and Invariableness of the Price, the Price of Annuities had always been more certain, and invariable than the Price of any other publick Fund, which shewed that Stock-jobbing rather tended towards unsettling, than towards fixing the Price of any of our publick Funds.

That the Readiness of finding a Purchaser for any Thing, depended upon the People's being certain as to the Value, as to the Right, and as to the Method of conveying the Thing to be sold; and to this Certainty with Respect to our publick Funds, it was owing that the Proprietors had then to ready an Access to their Money, and not at all to the Practice of Stock-jobbing; therefore as this Certainty could not be in the least diminished by the Bill then before them, the Proprietors of the publick Funds would, without doubt, have as ready Access to their Money after the passing of that Bill, as ever they had before.

That

‘ That it could not well be supposed that ever our People Anno 7. Geo. II. had made in any one Year 80,000 £: by Brokerage and Commission from Foreigners dealing in our Funds; but whatever had been made in that Way could not by the Bill be diminished; for it was certain that buying and selling in the gaming Way could not be carried on by Commission, there could be no Commission or Brokerage paid by Foreigners to our People here but when a Transfer was actually made, and when a Transfer is to be made, some Trustee or Correspondent here must still be employed; so that nothing but the Game of Stock-jobbing could be carried to the Exchange of *Amsterdam*; and if all our Gamblers, as well as the Game, were transported thither, it would be no great Loss to the Nation.

1734.

‘ That it was to be hoped the publick Credit of this Nation depended upon a much more stable Foundation than that of Stock-jobbing; and it was not to be presumed that the Creditors of the Publick had purchased, or that they ever intended by their lending Money to the Government, to purchase a Privilege of setting up a Gaming Table in the Middle of the City of *London*; and to pretend that the prescribing a certain Method by which the Property of the Publick Funds was to be transferred from one to another, was a Restraint put upon the Liberty of disposing of such Funds, or that it would any way diminish the Value of them, was the same Thing as to pretend that the Statute of the 29th of *Charles II.* against fraudulent Conveyances of Land-Estates, was a Restraint put upon the Liberty of disposing of such Estates; or that the Act for registering such Conveyances within the County of *Middlesex*, had diminished the Value of Land within that County; whereas it was never yet imagined but that the Proprietors of Land-Estates had as full a Liberty of disposing of such Estates since the said Act of the 29th of *Charles II.* had passed as ever they had before; and it was well known that the Act for establishing a Register within the County of *Middlesex*, had rather increased than diminished the Value of Land within that County.

‘ That as Bargains for Time were still to be allowed, the publick Creditors might thereby insure their principal Money in the Publick Funds in the same Manner as they had done before; but as for the Practice of giving Money for the Put of Stock, if it was to be called an Insurance, it was a very odd sort of one; for by that Method a Man was to insure not only his own Property in the Publick Funds, but in some Manner the whole Publick Funds of *England*; which was just the same as if a Man concerned only in one Ship should give a Premium for the Insurance of such a Sum of

Anno 7. Geo. II. Money upon the safe Return of all the Ships belonging to
 1734- *Great Britain.*

Ld Delaware.

Upon reading the last Clause, by which the Bill was made to continue for three Years, the Lord *Delaware* moved, ' That it might be made to continue but for one Year, and to the End of next Session of Parliament.

Ld Bathurst.

Lord *Bathurst* was against this Amendment; his Lordship said, ' That such a short Term might very probably encourage the Stock-jobbing Gamesters to enter into a Combination for raising Inconveniences and evil Consequences, which they might perhaps be able to support and keep up for so short a Time by some fraudulent and artful Management, in order to make People sick of the Bill, and thereby prevent its being continued; whereas if it was made to continue for three Years, Things would in that Time take their natural Course; the Gamesters could not hope to keep up by Art and Management any Sort of Inconveniences, but those which really proceeded from the Nature of the Bill; and therefore in order to know the natural and real Consequences of it, it was necessary to give it a Continuance for at least three Years.

E. of Ilay.
 E. of Strafford.
 E. Poulet.

The Earl of *Ilay* spoke for this Amendment, and the Earl of *Strafford* and the Earl *Poulet* against it. At last the Question being put, it was carried against the Amendment proposed, by 27 against 16; and the Bill afterwards pass'd into a Law.

Debate on a
 Message from the
 King, to be im-
 power'd to aug-
 ment his Forces
 by Sea and Land,
 during the Re-
 cess of Parlia-
 ment.

March 28. The Duke of *Newcastle* acquainted the House, That he had a Message from his Majesty to that House, signed by his Majesty, which he presented to the House, and the same, being read by the Lord Chancellor, was to the Effect as follows, *viz.*

' That as the War which had broke out in *Europe*, unhappily continued, his Majesty had nothing more at Heart than to see that Flame extinguished, and to avoid, if possible, the engaging his Subjects in the Hazards and Expence of a War; being at the same Time desirous, neither to give any just Alarm to other Nations, nor to subject himself to any unprovoked Insults.

' That to the End his Majesty's Endeavours, in Conjunction with his Allies, for procuring an Accommodation, might in due Time have the desired Effect; and that his Majesty might be in a Condition to make good such Engagements as Honour, Justice and Prudence might call upon him to fulfil and contract; and that his Kingdoms might not be left exposed to any desperate Attempts, during such Time, as it might be impossible for his Majesty to have the immediate Advice and Assistance of his great Council, upon any Emergency arising from the present Posture of Affairs

in

in *Europe*, which might nearly concern the Interest and Anno 7. Geo. II. Safety of these Kingdoms; his Majesty hoped that he should be enabled and supported by his Parliament, in making such farther Augmentation of his Forces, either by Sea or Land, as might be absolutely necessary for the Honour and Defence of his Kingdoms; and in concerting such Measures as the Exigency of Affairs might require. 1734.

‘ That whatever Expence should be thereby occasioned, should be made in as frugal a Manner as was possible, and that an Account thereof should be laid before the next Parliament.

This Message the House resolved to take into Consideration the next Day; accordingly, on the 29th, the Duke of Newcastle stood up and spoke as follows:

D. of Newcastle.

My Lords,

‘ As his Majesty has been always careful not to put his People to any greater Expence, than what was absolutely necessary for their own Safety, so in the Beginning of this Session of Parliament, he asked for no greater Augmentation either of Land or Sea Forces than what he thought was necessary for the Defence of this Nation; and after the most mature Deliberation, his Majesty’s Demands upon that Occasion were thought so just and reasonable, that they were agreed to by both Houses of Parliament.

‘ There was then, my Lords, a War broke out in *Europe*, which made it necessary for us to make some little Addition to our Naval Force at Home, and to the Garrisons of our fortified Places Abroad; but as we did not stand obliged by any former Engagement to take any Share in that War, therefore the Expence we have as yet put ourselves to upon that Occasion is but very inconsiderable; and as his Majesty has not yet engaged himself upon either Side of the Question, as there has not since any Alteration happened with Respect to the Circumstances of *Great Britain* in particular, so his Majesty does not think it necessary for us to put ourselves immediately to any greater Expence than what was then judged to be necessary; but as the Fate of War is very uncertain, and as the Liberties of *Europe* very much depend upon the Event of the present War, therefore it is impossible to foresee but that his Majesty may be obliged to take some Share in the War, in order to preserve the Balance of Power, on which depend the Liberties of *Europe*, and consequently the Liberties of this Kingdom.

‘ If then, my Lords, upon any future and sudden Emergency, his Majesty should find himself under a Necessity of immediately joining either one Side or the other, we may most certainly expect, that those he joins against will endeavour

Anno 7. Geo. II.

1734.

deavour to insult or invade this Nation, especially if they know that we are no Way prepared for our own Defence : Nay, I do not know but that our continuing neutral may disoblige both Sides ; and if either can expect to engage this Nation in their Favour, by producing a Change in our Government, they will probably for that Purpose attempt to invade us, if they should be encouraged to make such an Attempt by our present Government's not being in a proper Condition to resist them. There is not indeed any Occasion at present to fear such Attempts ; there is not the least Appearance that any of the Powers now engaged in War will attempt to offer us any Insult ; but as the Politicks and Resolutions of Foreign Courts are not to be depended on, as no Person can pretend to foresee every Thing that may happen, his Majesty is willing to have it in his Power to provide in Time against the worst ; and I think we are in Duty bound to enable him to do so ; therefore I hope your Lordships will agree to the Motion I am to make, which is, That an humble Address be presented to his Majesty, to express the dutiful and grateful Sense which this House conceives of his Royal Care and Attention for the Honour and Security of his Kingdoms ; to declare their unalterable Fidelity to his Majesty, and their earnest Desire, that his Endeavours for an Accommodation may be effectual ; and that his Majesty may in all Events be in a Condition to make good such Engagements as Honour, Justice and Prudence may call upon him to fulfil or contract ; and that his Dominions may not be exposed to any desperate Attempts, especially at a Time when it may be impossible for the great Council of the Nation to be immediately convened ; to give his Majesty the strongest Assurances, that this House will cheerfully support him in making such farther Augmentation of his Forces, either by Sea or Land, as shall be necessary for the Honour and Defence of his Kingdoms, and in concerting such Measures as the Exigency of Affairs may require ; and to return his Majesty the Thanks of this House for his gracious Declaration, that an Account of any Augmentations made, and Services performed, shall be laid before the next Parliament : This House reposing an entire Confidence in his Majesty's Royal Wisdom and paternal Concern for the true Interests of his People.

Lord Carteret.

Lord Carteret spoke next.

My Lords,

As no Sort of Information has been given to this House about the present State of our Foreign Affairs, or about the Engagements we now lye under with respect to all or any of the Powers engaged in War: As every Thing tending to give

us such Information has been denied, it cannot be expected Anno 7. Geo. II.
 that I, or any other Lord, who has not had the Honour to
 be admitted into that Secret, should speak so fully to the pre-
 sent Question as we might otherwise have done. As for my
 self, I think I cannot speak properly to it, in any other Way
 than as it relates to our own Constitution, and in that Light I
 cannot but be against it; for it must be admitted, that the De-
 mand now made upon us, is a Demand of a very extraordi-
 nary Nature; it is such a Demand as ought never to be com-
 plied with, but when the Nation is in the most imminent
 Danger, and even in such a Case, the Reasons for apprehend-
 ing such a Danger ought to be communicated to this House
 in a regular Manner, before we can either in Honour or Du-
 ty comply with it.

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It has always, my Lords, been admitted, that Speeches
 from the Throne are to be looked on as Speeches from the
 Ministers of State: Upon this Footing it is that this House
 has always, with a great Deal of Freedom, taken such
 Speeches into their Consideration; and I must be of Opinion
 that Messages from his Majesty to this House are to be looked
 on in the same Manner; for which Reason I hope, the Duty
 or the Respect we owe to his Majesty, will not be mentioned
 in the present Debate. No Man can be more ready than I
 am to grant every Thing to his Majesty, that shall appear to
 be necessary for the Support of his Crown and Dignity; but
 whatever is to be granted for that Purpose, ought to be granted
 in a regular Manner, and according to those Methods and
 Forms which our Ancestors have laid down for the Preserva-
 tion of our Constitution; and even in that Way, it is incon-
 sistent with the Honour and Dignity of this House, to make
 any such Grant upon a meer Suggestion from the Ministers
 that it is necessary. No, my Lords, the Reasons, the Causes
 of that Necessity ought to be laid before the House, and then
 every Lord in this House may depend upon his own Judg-
 ment; whereas he who agrees to such a Grant without any
 such Information, cannot be said to depend upon his own Judg-
 ment, but upon that of the Ministers for the Time being.

I am, my Lords, sincerely of Opinion, that the Nation
 ought to be put in a much better State of Defence: It is
 what ought to have been done before now; but why was not
 this proposed at the Beginning of the Session? Is there any
 Thing has happened since that Time which can alter any
 Man's Opinion in this Respect, or can make him believe
 that it is now become more necessary than it was at that
 Time? If any such Proposition had then been made, both
 Houses of Parliament would have had Time to have taken
 the State of the Nation, with Respect both to our foreign
 and domestick Affairs, into their Consideration, and might
 easily

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easily have provided in a regular and usual Manner for putting the Nation into a proper State of Defence ; but the neglecting to make any such Proposition at that Time, and the bringing it in now by Way of Surprise upon us, when it cannot be so much as pretended that we have any Thing now to apprehend which we ought not then to have apprehended, really seems as if some Gentlemen were afraid lest we should resolve to examine narrowly into the present State and Condition of our Affairs ; and this, I think, ought to be a Reason rather for our refusing than for our agreeing to any such irregular and precipitate Resolution as is now proposed to us.

But, my Lords, suppose that it was not then necessary to put the Nation into a better State of Defence than what was at that Time proposed ; suppose that it is not even now necessary to make any new Addition to our Forces, either by Sea or Land, but that the same may become necessary in a little Time ; why may we not provide for such an Accident, according to the regular Course of proceeding in Parliament ? What Necessity is there for putting so speedy an End to this Session of Parliament ? Why may we not take Time to bring in a Bill for doing whatever shall appear to be necessary for providing against any such Emergency ? By such a Method of proceeding both Houses will have Time to call for and examine such Things as may be necessary for giving them an Insight into our Circumstances both Abroad and at Home : And if from such an Inquiry it shall appear absolutely necessary to give his Majesty the ample and unlimited Power now demanded, is it to be supposed that any Lord in this House, or any Member of the other, will be more averse to the granting of such a Power, when the Necessity for doing so is made appear to him, than he was before that Necessity was made apparent, or indeed any the least Reason for it assigned ?

I will grant, my Lords, that the Fate of War is uncertain ; I will likewise grant, that the Event of the present War is of the utmost Consequence to the Liberties of *Europe*, and consequently to this Nation ; but his Majesty has told us, that he is not engaged as yet to take any Share in the War : Suppose then that this Parliament were dissolved, and a new one summoned ; that new Parliament may meet in two Months Time, and in that Time it is impossible that any Emergency can happen of such Consequence as to oblige his Majesty immediately to join either of the Parties now engaged in War. The Balance of Power in *Europe* may be overturned, but it cannot be so suddenly overturned as not to give his Majesty an Opportunity of having the Advice and Assistance of a new Parliament, before he declares himself of either Side of the Question : In which Case that new Parliament may, and certainly will provide both for the Safety and Honour of this Nation

Nation, in that proper and regular Method which ought to Anno 7. Geo. II.
be observed by every Parliament. 1734.

‘ The Safety and Defence of the Nation is always to be provided for; but as there is at present no Necessity for doing it in any extraordinary Manner, do not, my Lords, let us do it in the unprecedented Manner now proposed. Our agreeing to this Proposition, would, in my Opinion, my Lords, be a most certain Prelude to Slavery: ’Twould be a giving up of all our Liberties at once; ’twould be a putting an absolute Power into the Hands of the Crown, to continue till next Session of Parliament, which would be a most dangerous Precedent; for as such are generally improved, it may soon after be granted for a longer Term, and so may at last be made perpetual. I call it, my Lords, an absolute Power, because we not only give a Power of raising Forces both by Sea and Land, without Limitation, but we give an unlimited Credit for borrowing Money, and we promise to make good whatever shall be so borrowed. I hope your Lordships will consider, That the Liberties of this Nation do not so much depend upon our Charters or our Statute Books, as upon that of the People’s keeping the Purse in their own Hands; and if once the People should be brought into the Way of giving anticipated Promises, they may at last be induced to give the Purse entirely out of their Hands, which would put an End to all our Liberties at once.

‘ It has always been reckoned, my Lords, one of the chief Safeguards of our Constitution, that the King cannot raise and keep up a Standing Army in Time of Peace, without the Consent of Parliament; but if the Parliament should once come into the Way of granting, from Time to Time, an unlimited Power to raise and keep up what Number of Forces, by Sea or Land, the Ministers for the Time being may think proper, I would be glad to know of what Use this Limitation upon the Crown can be of, with respect to our Constitution? And if by Means of such a Power our Constitution should ever be overturned, would not the Parliament which had granted it be justly deemed the Betrayers of those who had trusted their All to them? We have not, thank God, my Lords, any Thing to fear from any Power that may be granted to his present Majesty; but if such a Precedent should be made, and in any future Reign a Set of Men should be at the Head of the Administration, who had disobliged the whole Nation, who had Reason to fear that such a New Parliament would be chosen as would call them to an Account; would not they, in Pursuance of this Precedent, endeavour to get such a Power as this from the last Session of the expiring Parliament? They would then let the new Elections go on, they would use all Means and Methods to corrupt

Anna 7. Geo. II. corrupt and influence them ; but if after all they should see

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such a new Parliament chosen as would call them to an Account, and punish them for their Wickedness, what then can we suppose they would do ? Would not they make use of the Power so treacherously granted to them, and raise such an Army as might enable them to govern without any Parliament at all ? So that I must look upon the Proposition now before us, as laying a Foundation for some future Administration to trample upon our Constitution by the Power of an Army, whenever they shall find they cannot trample upon it by the Power of Bribery and Corruption.

‘ Besides, my Lords, I do not think that what is now proposed is legal : I do not really think that any Thing can be legally done in Pursuance of it, if it should be agreed to ; for it is certain that no Forces can be raised or kept up in this Nation in Time of Peace, but by Consent of Parliament ; and the only proper Way of obtaining that Consent always was supposed to be by Act of Parliament. We have already, my Lords, passed the Mutiny Bill ; and if any new Forces should be raised in Pursuance of this Resolution, I do not know if they could be comprehended under that Law ; for as a certain Number is thereby limited, if any more should be raised, I doubt much if they could, without a new Act of Parliament, be subjected to the Martial Law.

‘ I have said, my Lords, that the Proposition now before us, is a most unprecedented Method of providing for the Defence of the Nation : It is so ; it is a Method which was never before practised. In all former Times, when this Nation has been threatened with any great and imminent Danger, which made it necessary that some extraordinary Steps should be taken, if it happened in Time of Parliament, the King always came or sent to Parliament, and not only told us we were in Danger, but how we were in Danger, that from thence we might judge whether the Danger was so imminent as to make some extraordinary Steps necessary ; and when it was judged so, proper Measures have always thereupon been immediately concerted for obviating that Danger ; but now it seems, my Lords, we are to agree to a most extraordinary Measure, without any Reason assigned, without so much as a Pretence that we are in any imminent Danger ; nay, we are even told that we are not in any imminent Danger ; we are told that we are not at present in Danger of any Insults or Invasions from Abroad, and I am sure we are not in Danger of any Insurrections at Home, unless they should be occasioned by our agreeing to this Proposition : Therefore, my Lords, as no Reason has been assigned, as I see no Reason

for our coming into any extraordinary Measure at present, Anno 7. Geo. II.
I cannot but be against the Motion.

The Duke of Argyle spoke next.

My Lords,

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D. of Argyle.

' I have considered the Motion now before us with all possible Attention, and I cannot see that there is any Thing in it, or in the Motion the noble Duke has been pleased to make us, so very extraordinary or unprecedented as the noble Lord has been pleased to represent. It is certain that such Messages have been several Times sent to Parliament, and it is likewise certain that such Returns have always been made to them as the noble Duke has now been pleased to move for, upon occasion of the present Message. It is true, that such Messages have never been sent but upon extraordinary Occasions, and the Reasons for sending them have always been communicated to Parliament; and is not this the very Case at present? What more extraordinary Occasion can be supposed? The noble Lord who spoke last admits, that the Liberties of *Europe* are deeply concerned in the Fate of the present War, and may be swallowed up by the Event; and can we imagine that the Liberties of this Nation are secure, when the Liberties of *Europe* are in Danger?

' It must therefore be allowed, my Lords, that the Occasion of this Message is of the utmost Consequence; and the Reasons for our being necessarily obliged to come to some immediate Resolution, are not only in themselves apparent, but are likewise fully expressed in his Majesty's Message. The Fortune of War we all know to be extremely precarious, and the Changes that happen are often as sudden as they are unlooked for: Some of these may lay his Majesty under an indispensable Necessity of sending immediate Assistance to the unfortunate Side, in which Case we may depend on it, that some desperate Attempts will be made upon this Nation by the other Side now engag'd in the War: Our Neighbours have now great Armies in the Field, and some of them have powerful Fleets ready to put to Sea: They are already prepared to execute any Attempt, and when they are in such Circumstances, we may depend on it, that the Resolution, as soon as taken, will be carried into Execution. We all know, that this Parliament must be soon dissolved, and after it is dissolved, many Weeks must intervene before a new Parliament can assemble. In the mean Time, his Majesty may be obliged to declare himself, and upon that, some Attempts may be made, which may be of the most dangerous Consequence to the Safety of this Nation, before his Majesty can have the Advice and Assistance of a new Parliament, which makes it absolutely

Anno 7. Geo. II. necessary for us, before we now separate, to give his Majesty a Power to provide against the worst.

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I will agree with the noble Lord who spoke last, that all Messages from the King, as well as Speeches from the Throne, when they come to be considered in this House, are to be looked on as coming from the Ministers; therefore we may, with all imaginable Freedom consider them, and whatever may be said upon that Occasion, is always to be presumed to relate only to the Ministers, and not to the Crown; for which Reason, our Duty and Respect to his Majesty, is never upon such Occasions to be brought any Way into the Question. But as to the Message now before us, my Lords, it is so far from being an extraordinary one, that I must look upon it rather as a Piece of Condescension in the Crown; for it is certain, that upon any sudden Emergency, his Majesty has a Power, which always has been, and always must be vested in the Crown, to provide for the Security of his Crown and Kingdoms, by raising Forces either for Land or Sea Service, and borrowing or applying Money for that Purpose, even without waiting for the Consent of Parliament; and whatever the King may upon such Occasions be obliged to do, will always be approved of, and provided for by Parliament, as soon as they meet, in Case nothing has been done, nor any Expences incurred, but what shall appear to be necessary; this is the Power his Majesty has by our Constitution, and this is all he asks for by the present Message: He asks only for a Power to make such farther Augmentation of his Forces, either by Sea or Land, as may be absolutely necessary for the Honour and Defence of his Kingdoms.

This, in my Opinion, my Lords, is as modest a Demand, as ever was sent to Parliament: It shews how cautious his Majesty is of putting his People to any extraordinary Expence; considering the present Posture of the Affairs of *Europe*, I believe this House would have thought it but reasonable, if his Majesty, at the Beginning of the Session, had asked for a much greater Augmentation of his Forces, both by Sea and Land, than he did at that Time: Nay, if his Majesty had now asked for an immediate Augmentation, instead of asking only for a Power to make it, in Case it shall hereafter appear to be absolutely necessary, I do not doubt, but your Lordships would have complied with it; but his Majesty, desirous not to put his People to any Expence, or at least to delay it as long as he can, and yet solicitous about the Quiet and Safety of his People, desires only the latter; and that Power he applies for to Parliament, tho' he knows it to be vested in him without any such Application. This is the Light which the present

present Message ought to be considered in, and therefore whether we should grant such a Power as is now asked for, cannot, I think, be properly made a Question.

Indeed, if the Ministers should make a bad Use of the Power now proposed to be granted to his Majesty, if they should augment the Forces, either by Sea or Land, without any Necessity for so doing; if they should put the Nation to any greater Expence, than what shall appear to be absolutely necessary, there would then be some Ground for a Question; but in such a Case, can the present Message, or the Address proposed in Answer to the Message, be of any Weight on either Side of that Question? Can the Ministers plead in their Justification, that they had a Power from Parliament to do so? It is certain they cannot: They must answer for what they have done in the same Manner, as if no such Address had ever been proposed. For my own Part, my Lords, I am no Minister, I never was, nor ever will be a Minister, but on all such Occasions as the present, I must think they have a most dangerous Task: The Danger of not providing in Time for the Safety and Defence of the Nation, and the Danger of running the Nation into Expences, which may thereafter be thought unnecessary, are two opposite Rocks, which even the wisest Ministers ought to be afraid of: They will find it difficult for them to steer the middle Course, so as to avoid both the Extreams: And we must conclude it to be the more difficult, when we consider, that to the Bulk of Mankind Dangers seem huge in their Approach, but diminish vastly in their Retreat.

I am persuaded none of your Lordships are afraid, I cannot indeed see the least Reason why any Man should at present entertain any Fears about the Liberties of his Country, I am sure there is no Ground for such Fears. If any Incroachments had been lately made by the Crown, or by the Ministers of the Crown, upon the Rights and Liberties of the People, we would have Reason, my Lords, to be jealous of every Proposition that came from that Quarter; but there has been no such Attempt lately made, and I believe there never was a Time, when private Men enjoyed their Property with more Ease and Security; therefore I can see no Reason for us to take the Alarm; and the present Message is so far from affording any Foundation for an Alarm, that I must look upon it as one of the greatest Pieces of Condescension that was ever made by any King to his Parliament. As for the Clamours that may have been lately raised against the Ministers of State, if ever there were any such, they ought to be despised, because they were without any just Cause, and were very far from being general. There have been some Clamours against all Ministers, and against all future Ministers we may expect there will be Clamours raised: Even in

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the Reign of *Queen Elizabeth*; in that Reign which has been so often applauded by those who had a Mind to reflect upon the present, there were Clamours among some Sorts of People during her whole Reign: Even that great Minister *Barleigh*, who with so great Wisdom and Moderation, and for so many Years, during her Reign, manag'd the public Affairs of this Nation, could not escape: Nay, there were not only Clamours and Discontents in that *Queen's* Reign, but there were many Plots too, and even some Rebellions raised against her; therefore we are not immediately to conclude, that Ministers are guilty, because there have been some little Clamours and Calumnies raised against them.

'Tis true, my Lords, we have already pass'd the Mutiny Bill, and in that Bill I must likewise grant, that a certain Number of Land Forces is mentioned; but, in my Opinion, the Mutiny Bill always did, and now does extend, not only to the Number of Forces therein mentioned, but to all the Land Forces that should be raised within that Year: However, I am no Lawyer, tho' I am in the Neighbourhood of a very good one, to whom I shall leave the Determination of this Point, and I hope he will be so good as to rise up and give the House his Opinion upon it.

E. of Chester-
field.

Then the Earl of *Chesterfield* spoke as follows:

My Lords,

'Notwithstanding what the noble Duke who spoke last has been pleas'd to say in Favour of the Message now under our Consideration, it still appears to me to be the most extraordinary that was ever sent to this House. I believe no Man will doubt of my Affection to his Majesty, or of my Readiness to agree to every Thing I think absolutely necessary for the Support of his Crown and Dignity; but as all such Messages are presumed to be framed by the Advice, and upon the Suggestion of those in the Administration, therefore I, and every other Lord of this House, not only have a Right, but we are in Duty bound to examine them narrowly; and from thence if it appears that what is demanded by such a Message is not at all necessary for the Support of his Majesty, or the Safety of the Nation, tho' it may be necessary for the Support of Ministerial Schemes, and perhaps for the Safety of Ministerial Personages, we are both in Duty and Honour oblig'd not to comply with such a Demand, especially if it appears to be inconsistent with the Constitution, or contrary to the usual Form of proceeding in Parliament, which is plainly the Case with Respect to the Demand now made upon us; for it must certainly be allowed to be contrary to the usual Form of proceeding in Parliament; and as it vests an absolute Power in the Crown, for as long a Time as the Crown, or rather the Ministers of the Crown, may please to continue it, I cannot think

think it consistent with the Constitution of our Government : I must think it the most extraordinary Demand that was ever made upon any Parliament in this Kingdom ; and it is the more extraordinary that it comes now at the End of the last Session of a long Parliament : It really appears to me in the same Light, as if an Application should be made to a Man on his Death-bed, a Man in his last Moments, to bequeath all he has in the World to those who are utter Strangers to him ; nay, to those who have been generally reputed his greatest Enemies.

Anne 7. Geo. II.

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‘ I cannot agree with the noble Duke that such Messages have been frequent : It is certain they were never heard of till of late Years ; I doubt if such an unlimited Power was ever before asked for ; I am sure such a Power was never asked for but when the Nation was in imminent as well as great Danger ; for to tell us that the Liberties of *Europe* may be swallowed up by the present War, and that therefore this Nation is in great Danger, is no Excuse for our breaking thro’ all the Forms and Methods of proceeding in Parliament, by agreeing to the extraordinary Step now proposed. I cannot think that the Liberties of *Europe* are in so great Danger of being swallowed up in the Event of the present War as some People seem willing we should believe ; but granting they were, it is but a consequential Danger to this Nation ; and to excuse such an extraordinary Step the Danger ought not only to be great, but it ought to be imminent ; I do not think that any Thing ought to force us to make such a Step, but when we are in immediate Danger of a powerful Invasion from Abroad, or of a very terrible Insurrection at Home. With respect to all other Dangers, we may deliberately provide against them, according to the usual Methods of proceeding in Parliament ; and if Precedents should be searched into, I believe it will appear, that no such Message as the present was ever sent to Parliament, but when we had good Reason to apprehend one of the two immediate Dangers I have mentioned.

‘ Now, my Lords, in the present Case it is not so much as pretended that we are in any imminent Danger ; on the contrary we are told, that no material Alteration has happened since the Beginning of the Session ; therefore if we are now in any imminent Danger, we were in the same State at the Beginning of the Session ; and if we were so at that Time, why were we not then made acquainted with it ? If we had then been made acquainted with it, we might, long before now, have taken the Circumstances of the Nation into our Consideration, and might have sufficiently provided against the greatest Danger that can be supposed in a regular Parliamentary Way : But suppose, my Lords, some considerable

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able Alterations have happened since the Beginning of the Session, which this House cannot, I think, pretend either to affirm or deny, because we have been kept in utter Darkness with respect to the Situation of our Foreign Affairs; suppose some new Dangers are now to be apprehended, which could not be thought of or foreseen at the Beginning of the Session, what Necessity is there for providing against them in a Manner so inconsistent with our Constitution? Are they so imminent that we have Reason to apprehend their coming upon us in a few Days? It is impossible to suppose any such; and if no such Dangers can be supposed, what Reason have we to break thro' all the Forms of Parliament? Is there any Necessity for putting an immediate End to the present Session of Parliament? No, my Lords, by the *Septennial Law* this Parliament may continue sitting till the Month of *September* or *October* next; before that Time the Dangers we are now threatned with may blow over, or if they should approach nearer, we may provide against them in that Manner, and according to those Forms which the Wisdom of our Ancestors has contrived for the Preservation of our Liberties.

' We are told our Neighbours are at War, they have great Armies in the Field, and powerful Fleets ready to put to Sea: What is all this, my Lords, to us? Does not this add to the Security of this Nation, instead of subjecting us to any Danger? If we are no Way engaged in the War (and we are told we are not) if we have done nothing to give any just Alarm, is it to be supposed that any one of the Powers upon the Continent, while it is engaged in a dangerous and heavy War with another Power, will do any Thing, or attempt any Thing that may in the least tend to draw the immediate Vengeance of this Nation upon its Head. Is it possible to imagine any Nation upon Earth so weak, or rather so mad in their Politicks? I have not, 'tis true, the Honour to have been made acquainted with the several Engagements we may be under at present to Foreign Powers; but if I can judge from such of them as have been made publick; if I can draw any Conclusion from the many Treaties and Alliances lately made, I must conclude that at present we are in good Terms with all the Powers in *Europe* at least; therefore I must conclude, we cannot be in any Danger from any of them; and I hope no Danger we may have to fear from any other Quarter of the World, can be of Weight enough to prevail with this House to agree to such an extraordinary Measure.

' I shall grant, my Lords, that we might perhaps have offended the Imperial Court, by the Treaty made at *Hanover* with the *French*; but surely we have made up that Breach by our late Treaty of *Vienna*, by which we generously,

rouly, and without the least valuable Consideration, became Guarantees of the Pragmatick Sanction. As to *France*, we have of late Years heaped so many Favours upon that Nation, that I cannot think they have any Reason, or indeed any Inclination to do us an Injury: Did not we by the Treaty of *Hanover*, which was made for pulling down the overgrown Power of the House of *Austria*, and the following Treaty of *Seville*, break that close Union which had been contracted between the Courts of *Vienna* and *Madrid*, so much to the Prejudice of the Court of *France*? And did not we thereby oblige *Spain* to throw herself entirely into the Arms of *France*, by which we again united the two great Branches of the House of *Bourbon*? And can we imagine that *France* will disturb us, while she is making the best of that Union which we were so good as to restore? And as to *Spain*, my Lords, we did perhaps disoblige them likewise by our Treaty of *Hanover*, and some other Measures which were the Effects of that Treaty; but have we not since procured them the rich Dutchies of *Tuscany*, *Parma*, and *Placentia* for their Son *Don Carlos*? Did not we, at a great Expence to this Nation, send a powerful Fleet into the *Mediterranean*, to conduct that Prince with the greater Pomp and Ceremony to the Dominions we had procured for him in *Italy*? 'Tis true, he did not make Use of that Fleet, but was that any Fault of ours, or can it be said we had any selfish View in what we did, since the whole was transacted without any Stipulation in our own Favour? By this we opened a Way for the *Spaniards* into *Italy*; nay, I do not know but that by our Management we have likewise thrown the King of *Sardinia* into the Arms of *France*, and have thereby opened a Way for the *French* likewise into *Italy*. Besides all these Favours heaped upon our Neighbours, have not we, by the most full and explicit Treaties and Stipulations, secured all our Rights and Possessions both at Home and Abroad; and in such Circumstances, after so many glorious Treaties, can it be imagin'd that we are in Danger of being invaded or insulted by any of our Neighbours?

' This, my Lords, I take to be the Case as to our past Management; but it is said the present War may take such a Turn as may lay his Majesty under a Necessity of sending immediate Assistance to the unfortunate Side, in order to prevent the Balance of Power in *Europe* from being quite overturned. This is a Supposition which really to me seems as extraordinary as the Message now under our Consideration. I will readily allow that the Fate of War is precarious, but I cannot easily admit that a whole Campaign, even the most unfortunate that can be supposed, can make the Emperor absolute Master of *France*, *Spain*, and *Sardinia*, or can make

France

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France absolute Master of the whole *German* Empire ; for we know that *France* has stood out many unfortunate Campaigns against the united Powers of *Germany*, *England*, *Holland*, *Portugal*, and *Sardinia* ; and tho' *Spain* and *Sardinia* now make Use of *France* to enlarge their Dominions in *Italy*, yet if *France* shewed the least Inclination to make a Conquest of *Germany*, they would turn their Arms against her, because they must preserve *Germany*, in order to preserve their own Dominions in *Italy*, or indeed in any Part of the World. The Circumstances of *Europe* are now very far from being the same they were at the Beginning of the late War ; the King of *France* was then absolute Master of *Spain*, and could make that Nation do whatever he had a mind ; but now *France* must act very cautiously, in order not to give that Nation any Jealousy of her aiming at too great an Increase of Power, otherwise the *Spaniards* may soon become as deadly Foes to the *French* as ever they were heretofore. I must therefore think, my Lords, that the Liberties of *Europe* are not in such Danger of being swallowed up in the Event of the present War ; but if they were, they cannot be swallowed up so soon, even by the most sudden and most fatal Accident, but what his Majesty may have Time enough to apply in a regular Manner to his Parliament for Advice and Assistance, before he can be under a Necessity of declaring himself of either Side of the Question.

‘ But, my Lords, we are told that this Parliament must be dissolved ; and before a new one can meet, his Majesty may be obliged to declare himself, or at least that some of the Powers engaged in War may become jealous that he is to declare against them, and consequently may attempt to invade this Nation before his Majesty can have the Assistance of a new Parliament, to enable him to provide against such Invasion.

‘ This is an Argument I am sorry to hear made use of in this House ; and I am persuaded the noble Lords who make use of it, do not mean such a Conclusion as seems naturally to flow from it ; for, in my Opinion, it plainly seems to carry this Insinuation, that the granting of such a Power at the End of every Parliament, will be always necessary hereafter. If that were really the Case, I should be very apt to conclude, that the Power would then be made use of, not to defend the Nation against Foreign Invasions, but to defend the Ministers against the Danger they might have Reason to apprehend from an anti-ministerial Parliament, in case the new one should appear to be of such a Complexion ; and I am very sure, that a Minister with such a Power in his Hands, and such a Parliament against him, would never allow that Parliament to meet.

‘ We

‘ We are now told, as I have already taken Notice, that our Neighbours are deeply engaged in War one against another, that they have great Armies in the Field, and powerful Fleets ready to put to Sea ; that they may conceive a Jealousy that we are to join against them, and may consequently invade us before the King can have the Assistance of a new Parliament to enable him to provide against that Invasion ; therefore before we draw our last Breath, we must, it is said, for our own Safety, put an absolute Power into the Hands of the Crown, to continue till the Ministers shall think fit to convene the new Parliament. At the End of the next Parliament there may, my Lords, be the same Reason for granting the same Power, and the Reason will be much stronger if we are then actually engaged in the War : But suppose there is then a profound Tranquillity in *Europe*, our Neighbours very probably will have very near as great Armies and as powerful Fleets as they have now ; and may we not then be told, Your Neighbours are now no way engaged elsewhere, their Armies are quartered very near the Sea Coast, their Fleets may be made ready to put to Sea in a Month’s Time, they may conceive a Jealousy that you are to invade them, and therefore they will endeavour to invade you ; for this Reason it is necessary for you to put an absolute Power into the Hands of the Crown ? Will not this Argument be then stronger than the Argument now made use of ? It will, my Lords, in my Opinion, be much stronger : We are certainly in greater Danger of being suddenly invaded by our Neighbours, when they have their Troops unemployed and quartered upon their Sea Coasts, than when all their Troops are marched many hundred Miles from their Sea Coast, and employed against another Enemy ; and surely they may more suddenly fit out a Fleet proper for that Purpose, when none of their Ships of War are employed elsewhere, than when they are obliged to keep many of them in Seas very far distant from this Island.

‘ The Dictatorial Power was, my Lords, a Part of the *Roman* Constitution, even from the very Beginning of their Republick ; but while they preserved their Virtue, while they preserved their Liberty, this Power was never granted but upon the most important, the most urgent Occasions, and was never granted for a longer Term than six Months ; when the Virtue and the public Spirit of that once brave People began to decay, this Power was often granted upon trifling Occasions ; it then began to be granted for a long Term, and soon after was granted for Life : With this last Grant they granted away all the Liberties of their Country for

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ever: The Dictator might die, but the Power was handed down immediately to another; the Tyranny became perpetual. The Power now asked for is in some measure a Dictatorial Power; it has but of late Years crept into our Constitution; it was never yet granted but upon the most urgent Occasions: But if we once begin to grant it for a Time indefinite, and upon such Suppositions and May-be's, I can easily foresee what will be: It will at last, nay, it will soon be either granted or taken for Life, and then adieu for ever to the Liberties of *Great-Britain*.

I will allow, that by our Constitution our Kings have always had, during the Interval of Parliament, a sort of Dictatorial Power, a Power to take Care that the Commonwealth may be no way injured; and therefore in case of any sudden and unexpected Danger, the King may raise Forces, or may fit out a Fleet, for preventing that Danger; and where the Danger is apparent, it is certain the King never did, nor ever will want Money as long as there is any in the Nation; for upon such an Occasion no Man will refuse to lend his Money to the Government; and the Parliament will certainly approve of what has been done, and provide for the Re-payment of what has been borrowed, provided it be made appear to them that there was a Necessity of putting the Nation to that Expence; but the asking for such a Power before-hand, looks as if something were intended which could not well be approved of: It looks as if the Nation were to be put to an additional Expence without any apparent Reason for so doing; and as if this anticipated Credit were asked for from Parliament, in order to encourage People to lend their Money to the Publick, tho' they see no Necessity for any such publick Expence. No Man will refuse to let an Infant of a good Estate have whatever may be necessary for his Subsistence; for this he has no great Occasion for any Letter of Credit from his Guardians; but if his Guardians should be such Fools, or rather such unfaithful Guardians, as to give him an unlimited Letter of Credit for borrowing whatever he himself might think necessary for his Subsistence, it would certainly tend to throw him into Extravagance, and might make him a Prey for Usurers and Extortioners.

I am very well convinced, my Lords, that the Safety of the People will not be any way better secured by the Resolution now proposed; but I am very far from thinking that the Power of the Crown will be no way enlarged; if it were really thought so, I am sure no Minister would ever give himself the Trouble of persuading the King to send such a Message to Parliament; but suppose I were convinced that no additional Power is by this Proposition to be

be granted to the King; that very Consideration would Anno 7, Geo. II.
 with me be a most prevailing Argument for being against
 it; for it must be allowed that what is now proposed is
 something very extraordinary, and contrary to all those
 Forms and Methods of proceeding in Parliament, which
 long Experience has taught us to be necessary for the Pre-
 servation of our Liberties; why then should we make so
 great an Incroachment upon our Constitution, if neither
 the Safety of the People, nor the Security of the Crown be
 thereby any way improved? This Reason I say, my Lords,
 if there were none other, would prevail with me to be against
 agreeing to the Proposition now before us; but as I think
 it of the most dangerous Consequence to the Liberties of the
 People, as I think that a Power is thereby to be granted to
 the Crown, which ought never to be granted but in Cases of
 the utmost, the most imminent Danger, therefore I shall
 most heartily give my Negative to it.

Lord Hardwick spoke next.

My Lords,

' I think it is now admitted by both Sides, that during ^{Ld Hardwick}
 the Interval of Parliament his Majesty has by Law, and
 without any previous Authority from Parliament, a Power
 to provide for the Safety of the Kingdom, and consequently
 he must have a Power of doing whatever shall appear to
 be necessary for that End; therefore I hope it will be no
 longer insisted on, that there is any Thing very extraordi-
 nary either in the Message now under our Consideration, or
 in the Proposition that has been made to us in Consequence
 of it. His Majesty only asks for a previous Authority for
 doing what he certainly might do without any such Au-
 thority; and we by the Address proposed to us, only pro-
 mise to support his Majesty in what shall appear to be ne-
 cessary for the Safety of the Nation, and for the Support
 of his Crown and Dignity. If the Nation should be un-
 necessarily put to Expence, if any extraordinary Measures
 should be pursued, without a Necessity for so doing, the
 Ministers will be answerable for it, and may be punished
 in the same Manner as if no such Address had ever been
 proposed; and as there is no extraordinary Power asked
 for, or proposed to be granted, the Method of doing it
 cannot be of any Weight in the Debate, nor can it be at-
 tended with any ill Consequence.

' As to the giving his Majesty a Power by an Address
 or a Vote, to raise Land-Forces, there is certainly nothing
 illegal in it; for tho' the King cannot by Law raise or
 keep up a Standing Army in this Nation in Time of Peace
 without Consent of Parliament; yet, my Lords, I know

Anno 7. Geo. II. of no Law that directs how that Consent is to be obtained ;
 1734- it may, in my Opinion, be had by a Vote or an Address
 from each House of Parliament, as well as by an Act regularly passed in Parliament. And as to the Mutiny-Bill which we have already passed, it is the same with former Bills of the like Nature, tho' there be a particular Number of Land-Forces mentioned in the Preamble ; yet the enacting Part is general, and comprehends all the regular Forces that then were on Foot, or that shall be raised in this Kingdom during the Continuance of that Act.

Therefore, my Lords, as there is nothing illegal or extraordinary in the Message, or in the Proposition now under our Consideration ; as from the present known Circumstances of *Europe* some Accidents may happen that may put this Nation under a Necessity of making a farther Provision for Self-defence ; and as those Accidents may fall out so suddenly and so unexpectedly, that there may not be a Possibility for his Majesty to have Time to take the Advice and Assistance of a new Parliament, I cannot but be for agreeing to the Proposition now made to us.

Then Lord Bathurst spoke as follows :

My Lords,

Ld Bathurst

I have a very great Regard for the Opinion of the noble Lord who spoke last, especially in so far as relates to the Laws and the Constitution of this Kingdom ; and therefore I am the more surpris'd to hear him declare, that he knows of no Law which determines and directs the Method by which his Majesty is to have the Consent of his Parliament. I will not pretend to be so well acquainted with the Laws or the Statutes of this Realm as that learned Lord ; but I am sure there is a Law which determines the Method by which his Majesty is to have the Consent of his Parliament, as well with respect to the raising and keeping up a Standing-Army in Time of Peace, as with respect to every other Case where the Consent of Parliament is necessary by our Constitution : I mean, my Lords, the *Lex & Consuetudo Parliamenti*, which I look upon to be as much a Part of the Laws of *England* as any other Part of the common Law, nay, as any Statute expressly enacted by King, Lords and Commons. It is true, my Lords, there is not, I believe, any express Statute for directing the Method of obtaining the Consent in Question ; but there is never an express Statute made in any Case, but where the Common Law is either doubtful or deficient ; and as this Part of the Common Law, as this Custom of Parliament was never before called in Question, it was never thought necessary to make any express Statute for regulating the Method of obtaining the Consent of Parliament ;
 but

but in this Age we seem inclined to call in Question every Custom and every Maxim established by our Ancestors, especially when it interferes with any favourite Point our Ministers have in View.

Anno 7. Geo. II.

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‘ I hope, my Lords, it will be allowed, that no Tax can be imposed or levied upon the People but by Consent of Parliament : This, I hope, will be allowed to be one of the fundamental Maxims of our Constitution, and the Meaning of this Maxim I always took to be, that no Tax could be raised but by Act of Parliament ; but as there is no express Statute for regulating the Method of obtaining the Consent of Parliament in this Particular, I do not know but it may now be said, that Taxes may be imposed, or the King may be enabled to impose a Tax by a Vote, or by an Address from both Houses of Parliament ; I am sure it may be said, that this Method of obtaining the Consent of Parliament is as sufficient for the raising of Money as it is for the raising of an Army : Indeed if we agree to the Proposition now before us, it will seem to insinuate as much ; for tho’ we do not thereby expressly empower his Majesty to impose a Tax, yet we are to empower him to borrow Money, for the Re-payment of which some Tax or another must be imposed next Session of Parliament ; and I do not know but the Gradation will be found more easy than some People at present seem to apprehend ; for us to proceed from empowering the Crown, by way of a Vote or an Address to raise Money by a Loan, to that of empowering the Crown by way of a Vote or Address, to raise Money by any Tax the Crown shall think fit to impose.

‘ As to the Mutiny-Bill, my Lords, I really did not take particular Notice of the Bill last passed in this House : That Bill is now become so much a Bill of Course, that I never once doubted its being in the same Words with other Bills of that Nature formerly passed in Parliament, and therefore I did not read it with that Attention which I ought to have done ; but I am sure that in some former Bills of the same Nature, the Number of Forces to be kept up was mentioned to be so many, and *No more* : Whether the Words *No more* be in the last Bill I cannot determine ; but grant they are not, I am persuaded some Lord of this House, or some Member of the other would have taken Notice of their having been left out, if it had not been thought that they must necessarily be understood : And I think every Man has good Reason to suppose, that no greater Number of the Subjects of *England* can be subjected to the Martial-Law than the Number mentioned in that Bill, whether the Words *No more* be added or not. It is certain that

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Anno 7. Geo. III. no Part of the Common Law, such as Magna Carta, or any other express Statute, can be repealed by a Bill of Parliament: I hope it will not be lost that we are in the standing Laws of England can be repealed by a Bill of Parliament from both Houses of Parliament, and I am know indeed but even this Doctrine was never insisted on as a natural Consequence of the Doctrine by advanced in this House.

However, my Lords, I hope we shall not be prevented so far in our new Improvements; and we must be allowed, that no private Man can be stripped of his Liberties and Privileges which he enjoys by Magna Carta, and many other Statutes, without a new Law made for that Purpose; and I hope it will be granted, that where general Words are in any Statute, which are or may be contrary to the Liberty of the Subject, are always taken in the most confined Sense; they cannot be extended, much less extended, by a Vote, or by an Address of either or of both Houses of Parliament. I will likewise, I hope, be granted, that all those who are in a Mutiny-Bill subjected to the Martial-Law, are thereby deprived of a great many of those Liberties and Privileges which they are intitled to as Subjects of England; and therefore those are any general Words in that Bill, for subjecting all to the Martial-Law who shall thereafter enlist in his Majesty's Service; these general Words must refer to the particular Number of Men mentioned in the Bill, and when that Number is complete, no Man that lifts thereafter or he subjected to the Martial Law either by a Vote or an Address; there must be a new Bill for that Purpose, otherwise there is not a Man in the Kingdom but may be stripped of most of the valuable Privileges he enjoys as a Subject of England, by a single Vote in Parliament; for if we can by a Vote or an Address, empower his Majesty to raise as many Land Forces as he pleases, and subject all the Forces so raised to the Military Law, we certainly can, by the same Method empower the Crown to impress Men into the Service; and if such a Vote should be passed, what Man in the Nation could say he had an Hour's Certainty of enjoying those Liberties and Privileges he is intitled to as a Subject of England.

My Lords,

'Till this Day it has always been held for an undoubted Truth, that the Consent of Parliament cannot be obtained any other Way than by a Bill brought into either House of Parliament, and regularly passed through both: By the Custom of Parliament this Bill must be twice read, then committed, and then read a third Time in each House of Parliament

ment, before it can be presented to the King for his Consent; Anno 7. Geo. II. and then at last it must have the Royal Assent before it can be looked on as a Law of this Kingdom, or as a Regulation to which the Parliament has given its Consent. These Forms and Methods of proceeding in Parliament were wisely established by our Ancestors, to give Time to every Gentleman of either House to be fully apprised of what he was about, to consider maturely all the Consequences of what was proposed, and even to consult and advise with his Friends, before he should be obliged to determine himself as to either side of the Question; and if ever this Method should be altered, if ever the Doctrine should take Place, that we may do as much by a Vote as we can do by a Bill, our Constitution will be upon the most precarious Footing: Both Houses of Parliament may be surprized into a Thing which it will never be in the Power of the Nation to retrieve; nay, I do not know but some Day or another both Houses of Parliament may be brought in by Surprise to surrender up to the Crown all the Rights, Liberties, and Privileges of their Country by one single Vote.

There is a very great Difference, my Lords, between anticipated Promises and future Provisions. The first is a running in Debt, the other is a paying of ready Money for what we have; and the Nature of Mankind is such, that most Men are apt to be more extravagant when they live upon Credit than when they pay ready Money for every Thing they have. This Nation has already suffered severely by the former Practice, and therefore I wish we would begin to think of following the latter only for the future: But there is this further Difference between the Parliament's providing afterwards for what the Nation has been obliged necessarily to expend, and promising before hand to provide for what the Administration may thereafter think themselves necessarily obliged to expend, that in the first Case the Honour of Parliament is no way engaged to the Creditors of the Publick; and if the Nation should be idly and extravagantly run into Debt, I believe the Parliament would not think themselves any way obliged to pay the Debts which had been so contracted, especially, because in such a Case it may be supposed, that those, who had upon such an Account become the Creditors of the Publick, would generally consist of the Creatures and Favourites, perhaps the Trustees of the Ministers; but in the latter Case the Parliament stands engaged for all the Debts that shall be contracted, whether the Expence was necessary or not: The giving of anticipated Promises is giving a previous Credit to Ministers, it is putting a Parliamentary Trust in them, it is really vesting in the Ministers a Parliamentary Authority, by which many innocent pri-

Anno 7. Geo. II. no Part of the Common Law, much less *Magna Charta*, or any other express Statute, can be repealed but by Act of Parliament : I hope it will not be said that any one of the standing Laws of *England* can be repealed by a Vote or an Address from both Houses of Parliament, tho' I do not know indeed but even this Doctrine may hereafter be insisted on as a natural Consequence of the Doctrine this Day advanced in this House.

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‘ However, my Lords, I hope we shall not this Day advance so far in our new Improvements ; and therefore it must be allowed, that no private Man can be stript of those Liberties and Privileges which he enjoys by *Magna Charta*, and many other Statutes, without a new Law made for that Purpose ; and I hope it will be granted, that whatever general Words are in any Statute, which are or may seem to be contrary to the Liberty of the Subject, are always to be taken in the most confined Sense ; they cannot be so much as explained, much less extended, by a Vote, or by an Address of either or of both Houses of Parliament. It will likewise, I hope, be granted, that all those who are by the Mutiny-Bill subjected to the Martial-Law, are thereby stript of a great many of those Liberties and Privileges which they are intitled to as Subjects of *England* ; and therefore if there are any general Words in that Bill, for subjecting all those to the Martial-Law who shall thereafter enlist in his Majesty's Service ; these general Words must refer to the particular Number of Men mentioned in the Bill, and when that Number is complete, no Man that lists thereafter can be subjected to the Martial Law either by a Vote or an Address ; there must be a new Bill for that Purpose, otherwise there is not a Man in the Kingdom but may be stript of most of the valuable Privileges he enjoys as a Subject of *England*, by a single Vote in Parliament ; for if we can by a Vote or an Address, empower his Majesty to raise as many Band Forces as he pleases, and subject all the Forces so raised to the Military Law, we certainly can, by the same Method empower the Crown to impress Men into the Service ; and if such a Vote should be passed, what Man in the Nation could say he had an Hour's Certainty of enjoying those Liberties and Privileges he is intitled to as a Subject of *England*.

My Lords,

‘ Till this Day it has always been held for an undoubted Truth, that the Consent of Parliament cannot be obtained any other Way than by a Bill brought into either House of Parliament, and regularly passed through both : By the Custom of Parliament this Bill must be twice read, then committed, and then read a third Time in each House of Parliament.

ment, before it can be presented to the King for his Consent ; Anno 7. Geo. II. and then at last it must have the Royal Assent before it can be looked on as a Law of this Kingdom, or as a Regulation to which the Parliament has given its Consent. These Forms and Methods of proceeding in Parliament were wisely established by our Ancestors, to give Time to every Gentleman of either House to be fully apprised of what he was about, to consider maturely all the Consequences of what was proposed, and even to consult and advise with his Friends, before he should be obliged to determine himself as to either Side of the Question ; and if ever this Method should be altered, if ever the Doctrine should take Place, that we may do as much by a Vote as we can do by a Bill, our Constitution will be upon the most precarious Footing : Both Houses of Parliament may be surprized into a Thing which it will never be in the Power of the Nation to retrieve ; nay, I do not know but some Day or another both Houses of Parliament may be brought in by Surprise to surrender up to the Crown all the Rights, Liberties, and Privileges of their Country by one single Vote.

There is a very great Difference, my Lords, between anticipated Promises and future Provisions. The first is a running in Debt, the other is a paying of ready Money for what we have ; and the Nature of Mankind is such, that most Men are apt to be more extravagant when they live upon Credit than when they pay ready Money for every Thing they have. This Nation has already suffered severely by the former Practice, and therefore I wish we would begin to think of following the latter only for the future : But there is this further Difference between the Parliament's providing afterwards for what the Nation has been obliged necessarily to expend, and promising before hand to provide for what the Administration may thereafter think themselves necessarily obliged to expend, that in the first Case the Honour of Parliament is no way engaged to the Creditors of the Publick ; and if the Nation should be idly and extravagantly run into Debt, I believe the Parliament would not think themselves any way obliged to pay the Debts which had been so contracted, especially, because in such a Case it may be supposed, that those, who had upon such an Account become the Creditors of the Publick, would generally consist of the Creatures and Favourites, perhaps the Trustees of the Ministers ; but in the latter Case the Parliament stands engaged for all the Debts that shall be contracted, whether the Expence was necessary or not : The giving of anticipated Promises is giving a previous Credit to Ministers, it is putting a Parliamentary Trust in them, it is really vesting in the Ministers a Parliamentary Authority, by which many innocent pri-

Anno 7. Geo. II. private Men may be encouraged and drawn in to lend them
 1734- their Money, and therefore the Honour of Parliament stands
 engaged to repay that Money to the publick Creditors, without any Regard whether it has been necessarily expended for the Benefit of the Publick or not.

‘ I shall readily grant, my Lords, that if in Consequence of such anticipated Promises the Ministers should run the Nation into an unnecessary Expence, the next Parliament might punish the Ministers who had advised such Measures ; but suppose such Ministers were actually hanged up, as they certainly would deserve, would that make good the Damage the Nation had sustained ? Their Sufferings might perhaps make some Holy Days for the Populace : But can we suppose that their Estates would be sufficient to reimburse the Publick, or to satisfy the Debts with which they had loaded the Publick ; by Means of the Credit imprudently given to them by Parliament ? Surely there is more Wisdom in not putting it in a Man’s Power to betray his Trust, than there is in foolishly and needlessly reposing a great Trust in a Man, whereby he is not only enabled, but perhaps tempted to cheat one ; and then hanging him for doing so. This is really the present Case ; the giving such an unlimited Credit to Ministers, is really laying them under a very great Temptation to defraud the Publick. We know, my Lords, how natural it is for Men to hope for Impunity ; nay, we know how difficult it is even for Parliaments to bring great and high Criminals to condign Punishment ; and such a Power and Credit as are now proposed to be given, may afford a Precedent, by which some future Minister may be enabled to put it absolutely out of the Power, both of the Parliament and the People, ever to punish him, or any such as him thereafter.

‘ The Power and the Credit now proposed for us to give are, my Lords, at all Times dangerous, but much more so when granted at the very End of a Parliament, and just before a new Election. I do not believe that any bad Use will be made of the unlimited Credit now proposed to be given ; it is not to be supposed that a bad Use can be made of any Powers we give under his Majesty’s wise Administration ; but I do not know what may happen hereafter : If we should ever chance to have an ambitious Prince upon the Throne, or a weak Prince under the sole Management of a guilty and wicked Minister, a Precedent may be made of what is now proposed, the same unlimited Powers may be then obtained from an expiring Parliament, under the Pretence of defending the Nation against imaginary and unknown Dangers, but really in order doubly to arm that Prince or Minister against our Constitution : That is to say, to furnish him

him with Money to be laid out in procuring a Majority of Anno 7. Geo. II. the Creatures and Slaves of the Administration to be returned for the ensuing Parliament ; but in case he should fail of Success in that Attempt, to furnish him with such a Standing Army as might be sufficient to protect him against the highest Resentment of the new Parliament, or to support him without any Parliament at all. If the first Project should succeed ; if he should by Bribery get a Parliament to his Mind, such a Parliament we may believe would certainly conclude with a like Vote of Credit, in order to chuse the next ; and thus a tyrannical Administration, and a slavish Parliament would for ever be entailed upon this Nation. But suppose he should fail in his Project of Bribery, he would then have Recourse to his Army, and might thereby support himself without any Parliament at all ; for surely no Man can suppose that a Prince or Minister, with a numerous Standing-Army, entirely under his Direction, and commanded by such Officers only as he shall please to appoint, will ever want Money to support that Army, or to answer the other Demands of his Government : As long as the Parliament complies with all his Requests, he will accept of what Money he wants in a legal Way ; but if the Parliament should once begin to refuse, he will thence resolve to raise that Money in an illegal Way, which he finds he cannot have in a legal.

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‘ This, I hope, my Lords, is not the Design at present ; but as what is now proposed may give Encouragement to the forming of such Designs, and may be made a Precedent for rendering that Design successful ; therefore I must be for disagreeing with the Motion.’

The Earl *Poulet* spoke next in favour of the Motion, then E. Poulet.
the Earl of *Aylesford*, and after him the Duke of *Montrose*, E. of Aylesford.
spoke both against the Motion : D. of Montrose.

Then Lord *Talbot* * spoke as follows:

Ld Talbot.

My Lords,

‘ The present Situation of the Affairs of *Europe* is so well known to every Lord in this House, that it is very unnecessary to give any particular Account of them : Considering the dangerous and heavy War now actually begun, and the many Powers engaged in that War, it is certain that some Accidents may occur which may threaten this Nation with great and imminent Dangers : This was, we may suppose, the Occasion of the present Message from his Majesty to this House ; and it must be granted, that this was a most weighty Reason for sending such a Message ; but as by that Message his Majesty desires no Powers but

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Anno 7. Geo. II. what were before vested in him, therefore we are to look upon it only as an Application from his Majesty for the Advice of his Parliament, with relation to what may be thought most proper to be done at such a critical Juncture ; and the Address proposed by the noble Duke is, in my Opinion, the most dutiful and the most proper Return we can make to such a gracious Message.

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‘ If, without sending any such Message to Parliament, the Ministers, in case of an absolute Necessity, had augmented our Forces both by Sea and Land, and had borrowed Money for that Purpose, can it be doubted but that the next Parliament would have approved of such Measures, and would have provided for such Expence ? But if they should augment our Forces either by Sea or Land, or put the Nation to any Expence, without an apparent Necessity for so doing, is there any Thing in the Address proposed that can tend to justify them for such a Piece of Mismanagement ? Will not the next Parliament be left as fully at Liberty to punish them, as if no such Message had ever been sent to Parliament, nor any such Address presented by Parliament to the King ?

‘ I will grant, my Lords, that by the Address proposed the Ministers may have a little more Credit among the People than otherwise they might have had. I will allow that the Honour of Parliament will, by the Address proposed, be engaged to provide for the Expence that may be incurred, and to repay the Money that may be borrowed on that Account, whether it shall appear that such Expence was necessary or not ; but this is the very Reason that I am for the Proposition made to us : Surely in such a dangerous Situation as the Affairs of *Europe* are in at present, the Nation is not to be left defenceless, for fear a bad Use should be made of the Powers granted for providing for its Defence. Shall we refuse a reasonable Credit or reasonable Powers to our Government, and thereby expose the Nation to be invaded or over-run by a foreign Enemy, and our Government perhaps entirely subverted, only for fear that by granting such a Credit the Nation may perhaps be brought into a little unnecessary Expence, or for Fear our Ministers should make a bad Use of that Trust which we repose in them ? My Lords, it is absolutely necessary at all Times and in all Countries, to put some Trust in those who are appointed to administer the Affairs of the Publick ; without some such Trust it would be impossible for any Government to subsist ; and the greater Danger a Country is in, the more Trust must the People necessarily repose in their Governors.

‘ But there is another Consideration which is of greater Weight

Weight with me: His Majesty tells us, he has nothing more at Heart than to see the Flame of War extinguished; and as it is to be hoped his Majesty will succeed in his Endeavours that Way, before the Flame come to such a Height, as that we may be necessarily obliged to involve ourselves in it, there is nothing can tend more towards making his Majesty's Endeavours successful, than to convince all the Powers now engaged in War, that there is a perfect Harmony subsisting between his Majesty and his Parliament; that we repose an entire Confidence in his Majesty's Wisdom and Conduct; and that we will be ready upon all Occasions to support those Measures which his Majesty may find himself obliged to take: And is there any Thing can be a greater Testimony of all this to Foreigners than our agreeing to the Address now proposed? This will convince every one of them, that in case any of them by their Obstinacy shall provoke his Majesty to declare against them, he will fall upon them with the whole Power of this Nation; and when the united Force of this Nation is thrown into the Scale, the Weight of it is well known to all the Powers in *Europe*.

Anno 7. Geo. II.
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'As to the Method of granting the Power or the Credit now asked for, there is nothing new in it; it is what has often been practised before, and is now the more necessary, because it is proper the Parliament should be soon dissolved, and we do not know what may happen before it may be possible for the new one to assemble. 'Tis true, the present Parliament does not of itself expire by the *Septennial Bill* till the Month of *September* or *October* next, so that there is not any absolute Necessity for calling a new Parliament before that Time; but the sooner a new Parliament is called I believe it will be the better; for tho' a new Parliament can do nothing but what the present may do, yet there is such a Thing as the Complexion of a Parliament to be considered; and if the new Parliament shall appear to be as much devoted to his Majesty as the present, it will shew that there is a perfect Harmony subsists between his Majesty and his People in general; and the new Parliament being to continue for seven Years, it must add a much greater Weight to his Majesty's Councils, and to his Negotiations Abroad, than can be expected from a Parliament which is to expire in six Months.

'Therefore, my Lords, as there is nothing new or extraordinary in the Address proposed, as I think it the most proper Return can be made, and such a Return as we ought in Duty to make to his Majesty's most gracious Message; and as I think it absolutely necessary for the Safety of the Nation, and for rendering his Majesty's Endeavours for re-

Anno 7. Geo. II. establishing the Tranquility of Europe successful, I shall give my Consent to it.

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Ld Carteret.

Then the Lord Carteret said,

My Lords,

‘ It is not to be denied, it has not in this Debate been denied, but that the Parliament may grant, and have formerly, tho’ but very seldom, granted some extraordinary Powers to the Crown when it has been made appear to them that the Nation has actually been in any great and imminent Danger ; but to take such an extraordinary Step, to grant such extensive and unlimited Powers to the Crown, when it is not so much as pretended that the Nation is in any imminent Danger, I will aver to be not only a new but a most dangerous Precedent. To tell us that the Nation may be in Danger, and therefore we must grant such a Power as is now demanded, is certainly something very extraordinary : It is a Reason for granting such Powers that will always exist ; and in my Opinion it always will, and always ought to be more prevalent when our Neighbours are all at Peace with one another, than when they are deeply engaged in a War ; for if ever any Quarrel should arise betwixt us and any of them, if ever any of them should conceive Hopes of Advantage from making an Invasion upon us, it is certain they will be in a better Condition, and more easily induced to revenge that Quarrel, or to make an Invasion, when they are no way engaged elsewhere, than when they are deeply engaged in a War with some other Nation, and have Use for all the Forces they can raise in a quite different Part of the World.

‘ I do not know, my Lords, but that there may be Occasion for putting the Nation into a better State of Defence than it is in at present ; but I am convinced that Occasion is not now so pressing but that it may be done in a regular Parliamentary Way. To pretend that the putting of an absolute Power into the Hands of the Crown will give Weight to his Majesty’s Councils, and to his Negotiations Abroad, is to suppose that Foreigners know much less of our Constitution, or of the Temper of our People than they really do : Perhaps Ways and Means may be found to prevail upon a Parliament to do so, but our Neighbours know that it is contrary to the Nature of our Constitution ; from thence they will most justly conclude, that such a Measure will render the Generality of the People disaffected, and this of Course will diminish the Weight of his Majesty’s Negotiations Abroad, and will make Foreigners much more ready both to insult and invade us, than we can suppose they would otherwise be.

‘ I will admit, my Lords, that his Majesty has a Power of

of providing for the Safety of the Nation during the Interval of Parliament ; but that Power must be very moderately used, and certainly, in Case of any sudden Danger, the Parliament is to be called together as soon as possible. If during the Recess of Parliament it should be discovered that the Nation were threatened with any imminent Danger, his Majesty may immediately issue out the proper and necessary Orders for augmenting his Forces both by Sea and Land, and he may borrow what Money may be immediately necessary for that Purpose ; but upon any such Occasion it is certain, that his Majesty ought at the same Time to issue a Proclamation ordering the Parliament to assemble forthwith, and whoever should advise him otherwise would be to the highest Degree criminal, and would deserve the severest Punishment. As upon any such Occasion the Parliament might meet in a very few Weeks, we cannot suppose that any extraordinary Sums could be wanted in so short a Time : And as his Majesty enjoys the Hearts and the Affections of the People, their Purse will always be open to him upon any Emergency when the Danger is apparent, especially when they see the Parliament summoned to meet, from which they may expect immediate Reimbursement : Indeed when pretended and imaginary Dangers are invented by Ministers only for their own Ends, it is not to be supposed that they can borrow much Money from the People without a previous Authority from the Parliament for so doing ; therefore there never can be any Occasion for such a previous Authority in the Time of real Danger ; as the granting of such a previous Authority can serve only for enabling Ministers to load the Publick when there is no real Danger to be apprehended, as the granting of such previous Authorities may some Time or other enable a Prince or Minister to overturn our Constitution, no such ought ever, in my Opinion, to be granted ; but if ever any such is to be granted, it ought to be granted in a regular Parliamentary Manner, and not in the Manner now proposed, especially when even those that ask for it in such an extraordinary a Manner, cannot so much as say that the Nation is in any imminent Danger.

Anno 7. Geo. II.

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The Earl of *Scarborough* spoke next for the Question, and then the Earl of *Illy* spoke as follows :

E. of Scarborough.

E. of Illy.

My Lords,

‘ The Affair now before us I take to be an Affair of the utmost Consequence ; it is an Affair in which the Safety of this Nation, and the Honour and Dignity of the Crown are, I think, deeply concerned ; and therefore I am surprised to hear it treated by some Lords in so ludicrous a Manner : Such a Method of treating any Subject ought never, I think, to be made use of or admitted into any of the Debates in this

Anno 7. Geo. II. this House, but is still more improper when made Use of in a Debate of so very great Consequence as the present.

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‘ Tho’ this Nation, my Lords, may not perhaps, at this very Instant, be exposed to any immediate Danger, tho’ we are not as yet any Way engaged to take a Share in the present War, yet it is highly probable that we may at last be obliged to engage ourselves in order to preserve that Balance of Power upon which the Liberties of *Europe*, and consequently the Liberties of this Nation, absolutely depend; nay it is certain, that we must at last engage in the War, in Case his Majesty cannot by his Authority, and by the Weight which his Councils may have in Foreign Courts, oblige the contending Parties each to yield up some of their Pretensions, and all to submit to the just Proposals which he may think proper to make for restoring the Tranquility of *Europe*. Therefore, my Lords, in order to increase his Majesty’s Authority, in order to give his Councils that Weight which they ought always to have in Foreign Courts, we ought to agree to the Proposition now made to us; for if the Powers now engaged in War see that his Majesty has an entire Confidence put in him by his Parliament, and that this Nation is, in all Events, well provided, not only for its Defence, but for falling with great Vigour upon that Power, or that Side which shall, by their Obstinacy, provoke his Majesty’s Resentment, it will add a prevailing Weight to those Negotiations, which his Majesty shall find it necessary to enter into, and thereby the Balance of Power may be preserved, the Tranquility of *Europe* may be restored, without this Nation’s being at all obliged to take any Share in the War, and perhaps without laying his Majesty under a Necessity of making any great Use of those Powers, which are now proposed to be granted to him: Whereas if the Powers now asked for should be refused, it will make Foreigners believe that neither the Parliament nor the Nation can put any great Confidence in his Majesty’s Conduct, and consequently they will have little or no Regard to any Proposition his Majesty may make to them, by which this Nation will at last be necessarily drawn into the War, and will thereby be exposed to great Dangers and many Losses, and put to an infinite Expence.

‘ The Eyes of all *Europe* are fix’d, my Lords, upon the Measures to be taken by this Nation in the present Conjunction, and if either of the Parties now engaged in War should begin to suspect that we were to fall in with the other, to oppose any of their Designs, or to put a Check to the Success of their Arms, they would immediately, and with as much Dispatch and Secrecy as possible, attempt to make

make an Invasion upon us, especially if they saw that we were no Way provided against them : These Suspensions and Jealousies may arise without any Foundation, they may begin to suspect that his Majesty has resolved and is preparing to join against them, before any such Resolution be really taken, or any Preparations made for that Purpose. 'Tis true, his Majesty may not perhaps be obliged to declare himself openly on either Side till he has had Time to take the Advice and Assistance of a new Parliament, and to make proper Provisions for the Defence of the Nation ; but it is impossible to foresee how or when some of our Neighbours may begin to suspect that we have such a Design, and therefore it is necessary for us immediately to prepare, at least to put ourselves in a proper Posture of Defence, and to furnish his Majesty with the Powers necessary for that Purpose.

Anno 7. Geo. II.
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‘ I am surprised to hear it said, that our Neighbours will always, even in Time of Peace, be in as good a Condition to execute a Design suddenly against us, as they are at present. In Time of Peace, some few of their Forces may perhaps be quarter’d upon their Sea Coasts, but then these Forces are always, for the Convenience of Quarters, separated and dispersed in such a Manner, as to put it out of their Power to assemble any great Number, at any one Place, upon their Coast, without giving us just Ground for taking the Alarm, and sufficient Time to provide against them : Whereas, at present, they may march a great Detachment from their Army, and that Detachment may be arrived at a proper Place for embarking, before it is possible for us to know what Route they have taken, or to suspect that they are designed against us. In Time of Peace their Men of War are all laid up in their Harbours, their Seamen are dispersed, and many Materials are wanting before a large Fleet can be fitted out ; and therefore it is impossible to imagine, that any of our Neighbours can then be in such Readiness to make a sudden Invasion upon us, as they are at present, when most of their Ships of War are ready fitted out, well mann’d, and provided with every Thing necessary for sailing upon any Expedition.

‘ For these Reasons, my Lords, I must conclude, that we are now in greater Danger of being invaded, than we can ever be in Time of Peace, and if I should refuse to grant the Powers now asked for, I should really think myself criminal : If a Servant, who knew that his Master’s House was in Danger of being attacked by Thieves, should leave the Door open, in Order to give them an easy Opportunity of entering, to murder the Family and plunder the House, I should think such a Servant more guilty than any of the Thieves them-

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themselves; and if I should refuse to give my Consent to the Resolution proposed, and an Invasion should be afterwards suddenly made upon us, and this Nation thereby involved in War and Confusion, I should look upon myself to be in the very Case of such a Servant, and therefore guilty of one of the most heinous Crimes that can be committed against my Country.

The Earl of *Winchelsea* and *Nottingham* spoke next.

E. of Winchelsea
and Nottingham.

My Lords,

The noble Lords who have spoke in Support of the Resolution proposed to us, have all spoke, as if this Nation were no Way provided for its Defence, which really to me, my Lords, seems to be something very surprizing. I cannot comprehend what we have been doing in all the former Part of this Session of Parliament, if we have not already provided sufficiently against any Invasion that can be secretly and suddenly made upon us. Have we not resolved to keep up a very numerous Army of Land Forces in this Island, besides the numerous Army kept up in the neighbouring Island, which may be brought over upon any Emergency to our Assistance; and from all these, cannot we in a few Days form an Army of regular Troops? I am sure much greater than any Army of Foreigners that can be sent by Surprise to invade us. Surely no Lord in this House can imagine, that so numerous an Army must always be kept up in this Island, even in the Time of the most profound Tranquility: Nay, if we were actually engaged in War, I hope, it would not be thought necessary to keep always such a Number of regular Forces at Home, in Order to guard our own Dominions against Invasions; I hope it would in such a Case be thought, that we might safely send a great Part of them Abroad, in Order to carry the War into the Territories of our Enemies, otherwise any War we may hereafter engage in, must become very chargeable and burthenfome to the Nation. But besides the Land Army we have already provided, have we not already made a very great Addition to the Number of our Seamen, and have not we thereby already enabled his Majesty to fit out a Fleet much Superior to any Squadron that can be sent against us? From all which I must couclude, my Lords, that we have already sufficiently provided for the Safety and Defence of the Nation, against any sudden and unexpected Attack that can be made upon us; and if his Majesty should think fit to join either of the Parties now engaged in the War; if any Foreign Power should declare War against us, or if any of our Neighbours should openly prepare to invade us, his Majesty would have Time enough to call the Parliament together, and thereby we would have an Opportunity of providing

ding in a regular Parliamentary Way for whatever should be Anno 7. Geo. II.
thought proper either for Offence or Defence.

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‘ I hope, my Lords, I shall always be as ready as any Lord in this House, to put all proper Confidence in his Majesty : I am upon the present Occasion extremely willing to strengthen his Majesty’s Hands as much as possible, in order to add Weight to his Negotiations, and to enable him to preserve by his Influence the Tranquility of *Europe*, or to preserve by his Power the Liberties of *Europe* ; but is there no Way of preserving the Liberties of *Europe*, without making a Sacrifice of the Liberties of *Great Britain* ? Are we, under such a Pretence, to give up the Rights of Parliament ? Are we to put an absolute and unlimited Power, and by such an extraordinary Method too, into the Hands of his Majesty’s Ministers ? No, my Lords, no such Power can ever be necessary ; I hope this House will never agree to any such Ministerial Demand ; for the present I must look upon as such : I shall always look upon such extensive Demands as coming from the Ministers only ; they may be necessary for the protecting of guilty Ministers, but they can never be necessary for preserving the Honour or the Dignity of the Crown.

‘ The King has, no Doubt, a Power to make what Treaties, and to enter into what Negotiations he may think proper ; and if the Nation should happen to be threatened with any immediate Attack, he may, and I hope always will take the proper Measures for preventing or defeating that Attack : In all such Cases it is not to be doubted but the Parliament will approve of what has been done, when they come to examine into the Measures so taken, and find that they were wisely concerted, and necessary for the End proposed ; but if the contrary should appear ; if it should appear that dishonourable and inconsistent Treaties have been concluded ; that ridiculous Negotiations have been set on Foot, and ridiculously carried on ; that the Nation has been sometimes exposed to Dangers and Insults without any just Cause, and often put to great Expence when no Danger could possibly be apprehended ; has not the Parliament, in such a Case, a Power ? Are they not in Honour, in Duty to their Country, bound to enquire into such Misconduct, and to punish the Authors of such knavish or such foolish Councils ? And shall we, my Lords, thus before-hand approve of whatever Negotiations or Treaties the Ministers may be pleased to advise his Majesty to enter into or conclude ? Shall we thus give an anticipated Promise to provide for whatever Expence the Ministers may pretend to think necessary for the Nation’s Defence ? No Ministers ought to desire such an implicate Faith to be placed in their future Management, and I cannot think

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‘ With respect to those who may become Creditors of the Publick, the Difference betwixt an anticipated Promise and a posterior Approbation has been already fully explained : It has by both Sides been admitted, that the Honour of Parliament in the first Case stands engaged to the Creditors of the Publick, whether the Expence incurred may be thought necessary or not ; but in the last Case the Honour of Parliament does not stand engaged, unless it appear to them that the Expence was necessarily incurred. But I must likewise take Notice, my Lords, that it is the same with respect to any Treaties that may be entred into : When the Parliament grants before hand such full Powers as are at present demanded, the Honour of Parliament stands engaged to see such Treaties punctually performed, whether they be consistent with the Honour and Interest of the Nation or not ; but when Treaties are concluded without any such full Powers from Parliament, the Honour of Parliament is no Way engaged to perform them, unless they approve of them ; the most that the Parliament or the Nation are in Honour obliged to do in that Case, is, to make a Sacrifice of those Ministers, who engaged their Country in such dishonourable or disadvantageous Treaties ; but in the first Case I do not see how the Nation could get off from the Obligation, unless it were by making a Sacrifice of all those Members of either House of Parliament, who consented to the granting of such Powers, as well as of the Ministers themselves.

‘ I will agree that the Question now before us is an Affair of the utmost Consequence ; it is an Affair in which the Safety of the Nation, and the Honour and Dignity of the Crown are deeply concerned ; but I am convinced that the Safety of the Nation, and the Preservation of the Honour and Dignity of the Crown, consist in rejecting the Proposition now before us : In this the Safety of the Nation certainly consists, because our agreeing to the Proposition would, in my Opinion, be, to bring the Nation into a real Domestic Danger, under the Pretence of providing against a Foreign Danger, that is either altogether imaginary, or so distant that it may easily be provided against without making a Sacrifice of our Constitution ; and as the Honour and Dignity of the Crown of *Great Britain* consists in our King’s being the King of a free People, therefore every Thing that may tend to encroach upon the Freedom of the People, which this Proposition directly does, must derogate both from the Honour and Dignity of the Crown.

‘ I shall likewise grant, that the present Subject ought to be treated in the most serious Manner : I am really sorry to hear

hear such Arguments founded upon such pretended Dangers ; Anno 7. Geo. II. for I may venture to prophesy, that if ever the Parliament of *Great-Britain* should come into the Practice of raising Phantoms in the Air, as an Excuse for their granting extraordinary Powers to Ministers of State, the Liberties of this Nation will then begin to stand upon a very precarious Footing : They will depend entirely upon the Ministers for the Time being ; if they make a right Use of the Powers granted them, our Constitution may be, during their Time, preserved ; but they may, whenever they please, turn those Powers towards the Overthrow of our Constitution ; and as the future Safety of Ministers of State may very probably soon come to depend upon the Overthrow of our Constitution, after our Liberties come to depend upon such Guardians, I am afraid they will be but short-lived.

The noble Lord who spoke last told us, that the Servant who left his Master's Door open for the Thieves to enter and steal, was as criminal as the Thieves themselves : In this I agree with him ; but in the present Case who is the Criminal, the treacherous Servant ? We are told, that the Nation is now in no greater Danger than it was at the Beginning of the Session ; therefore we are now either in no Danger, and consequently under no Necessity of granting the Powers asked for, or we were then in great Danger, and the Criminal, the treacherous Servant must be he who then knew of that Danger, and yet has concealed it from us, has concealed the Design and the Approach of the Thieves, 'till it is become impossible for us to shut our Doors against them, 'till it is become impossible for us to guard against the Danger from without, but by exposing ourselves to as great Danger from within.

Lord *Hervey* spoke next as follows :

Ld *Hervey*,

My Lords,

As so much has been said in Favour of this Question by the noble Lords who have spoke before me in the Debate, I shall give you but a very little Trouble on the Subject. I shall suppose, my Lords, that the Danger we may be in, is now neither greater nor more imminent than it was the very first Day of the Session ; yet I think a very good and sufficient Reason may be assigned, for his Majesty's being now obliged to make an Application to his Parliament for further Powers, which he did not think himself under any Necessity to make at the Beginning, or during the Continuance of the Session.

Tho' this Nation was in Danger at the Beginning of the Session, yet, my Lords, his Majesty did not think the Danger so imminent as to oblige him to put his People to any greater Expence than what was at that Time proposed, and

Anno 7. Geo. II. has been provided for by Parliament. While the Parliament continued sitting, his Majesty had no Use for any further Power, because if the Danger should have approached nearer, or should have begun to appear more formidable, his Majesty could have immediately applied to his Parliament for further Assistance ; but as an End is soon to be put to this Session of Parliament, as even the Parliament itself will probably soon be dissolved, the Danger may become more imminent, it may become more formidable before the next Parliament can meet ; and as his Majesty cannot, in that Case, immediately apply to Parliament for further Assistance, therefore, as he always has the Quiet and Safety of his People much at Heart, he thinks himself obliged to ask for some conditional Powers, in order that he may be enabled, during the Interval of Parliament, to do that which the Parliament, if it were sitting, would most certainly enable him to do as soon as he thought fit to apply for the same ; that is to make such further Augmentation of his Forces, either by Sea or Land, as may be absolutely necessary for the Honour and Defence of his Kingdoms, and to concert such Measures as the Exigency of Affairs may require.

‘ If the Danger, my Lords, had become, or were now more imminent or more formidable than it appeared at the Beginning of the Session, his Majesty would certainly have applied for an immediate Augmentation of his Forces both by Sea and Land, and for a Provision’s being made by Parliament for that Purpose ; and in such a Case whatever had been done by Parliament must have been done by Way of Bill ; but as there is no Necessity for an immediate Augmentation, his Majesty, willing to put off as long as he can charging his People with any new Expence, only desires a Power to make that Augmentation, in case it should become necessary at a Time when he cannot possibly have the immediate Assistance of his Parliament. This, my Lords, I must think extremely reasonable, nay even absolutely necessary, considering the present State of the Affairs of *Europe*, and therefore I cannot refuse my Consent to the Proposition made to us.

Then the Question being put upon the Duke of *Newcastle*’s Motion, it pass’d in the Affirmative.

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Dissentient

Because we are of Opinion, that no free People should, on any Occasion whatever, vest in any Person an unlimited Power

Power for an indefinite Time ; and whenever they do, they Anno 7. Geo. II.
at the same Time resign their Liberty.

1734.

Abingdon, Cobham, Bristol, Marchmont, Burlington, Litchfield, Willoughby de Broke, Gorwer, Clinton, Northampton, Strafford, Aylesford, Bathurst, Chesterfield, Carteret, Berkshire, Oxford and Mortimer, Montrose, Weymouth, Shaftsbury, Graham, Boyle, Stair, Ker, Coventry, Montjoy, Foley, Thanet, Bedford, Tweedale, Cardigan, Craven, Winchelsea and Nottingham.

Dissentient

I. Because we conceive an Address of this Kind, im-
powering the Crown to raise Men and Money, without specifying the Numbers or the Sum, is unwarranted by any
Precedent, and is of the most dangerous Consequence, for
it seems to us totally to subvert the very Foundation of our
Constitution, the Wisdom of our Ancestors having provided
many regular Steps and solemn Forms, for granting Supplies
to the Crown ; whereas this new Method of a sudden Address upon a Message, at once frustrates and eludes all those
wise and ancient Precautions.

Protest against
the King's being
impower'd to
augment his Forces by Sea and
Land, during the
Recess of Parliament.

II. Because the History of several Countries, formerly free, furnishes us with many fatal Examples of the Abuse of such unlimited Powers, whenever the Estates of those Countries have transferred the legislative Authority, of raising Money, from themselves, by an ill-plac'd Confidence, into the Hands of a few. The *Cortes of Spain*, by trusting the Power of raising Money, without their being assembled, tho' for but one Year, and the Estates of *France*, by allowing the Aids for the Defence of that Kingdom, to be raised for three or four Years together, without their being summoned to meet, have never been able to retrieve their ancient Liberties and Constitution ; but by their weak Compliance with such a fatal Measure, were the unhappy Instruments of rendering themselves useless, and of enslaving their respective Countries.

III. Because, tho' we have all possible Confidence in his Majesty's Wisdom and Justice, and all imaginable Zeal for the Honour and Support of his Person and Government, we cannot approve of a Message, which, we are persuaded, was both formed and advised by the same Ministers, in whom those extensive and discretionary Powers are lodged by this Address ; and we see no Reason, from any Experience of their past OEconomy, to trust them with the arbitrary Disposal of an unlimited Sum ; and as little Reason, from the Success of their former Alliances, to give any Approbation to put Treaties, which have never been communicated to this House, or a previous Sanction of any future Treaties they shall contract ;

Anno 7. Geo. II. 1734. tract; especially since, by their Multiplicity of Negotiations, they have involved the Nation in Engagements with divers foreign Powers, inconsistent, as we conceive, with one another; and, in so great a Variety, as we can by no Means be sure that the best will be singled out to be fulfilled.

IV. Because the present unfortunate Situation of the Affairs of *Europe* cannot be represented as unforeseen, or unexpected; since, from the gradual Progress of our Negotiations for some Years last past, the gradual Increase of the Disorders and Confusions in *Europe* has constantly been foretold. We therefore conceive, that had there not been some secret Reason for proceeding in this Manner, which Reason we will rather pass over in Silence than attempt to point out, the necessary Demands of Men and Money would have been laid before the Parliament at the Beginning of the Session, according to the ancient and regular Usage, and which would as certainly have been granted by a Parliament, which has distinguished itself by a remarkable Zeal, Duty and Liberality to the Throne.

V. We cannot think it prudent, in order to extricate ourselves out of our present Difficulties, to lodge those unlimited, and, as we apprehend, dangerous Powers, in the Hands of those very Persons, under whose Management and Conduct these Difficulties have been brought upon us; if, as we conceive, the National Debts are hardly lessen'd by more than Twenty Years Peace; if our successive Fleets have proved a Terror to no Nation, and but only a Burthen to our own: If our great Armies have disturbed the Minds of none but his Majesty's own Subjects; this extensive Power of raising Money, Fleets and Armies, seems to us improperly intrusted in the Hands of those Ministers, who have made no better Use of the Confidence already reposed in them.

VI. We would, with the utmost Zeal, concur in whatever might increase to his Majesty the Affections of his People at Home, or the Respect of his Neighbours Abroad: But this Zeal without Knowledge, we think, can tend to neither of those desirable Ends, but, on the contrary, rather bring Contempt, as we apprehend, upon the too easy and implicit Faith of Parliaments, than add Weight and Dignity to those Powers we lodge, without any visible Reason, in the Hands of the Ministers.

Gouver, Litchfield, Bathurst, Chesterfield, Foley, Bristol, Graham, Winchelsea and Nottingham, Tweedale, Stair, Clinton, Shaftsbury, Bedford, Berksbire, Northampton, Thanet, Craven, Cobham, Aylesford, Montrose, Oxford and Mortimer, Marchmont, Strafford, Carteret, Ker, Coventry, Montjoy, Cardigan, Weymouth, Willoughby de Broke, Boyle.

April

April 11. A Bill, For enabling his Majesty to apply the Anno 7. Geo. II.
 Sum of 1,200,000 l. out of the Sinking Fund for the Service of the Year 1734. and for appropriating the Supplies granted in this Session of Parliament. 1734- }

And a Motion being made, and the Question being put, That the Bill be committed, it was resolv'd in the Affirmative.

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Dissentient'

I. Because the taking away, in this Manner, the whole Produce of the Sinking Fund, has a Tendency, as we apprehend, to the Destruction of Parliamentary Credit and National Faith, and is more dangerous in its Consequences, as it is founded upon a Doctrine newly laid down; That the Proprietors of all the Debts subscribed to the *South-Sea Company*, have no Right to their principal Money, but only to an Annuity of Four *per Cent.* and if this Opinion should be thought to be countenanced by Parliament in passing this Bill, we are apprehensive, that the Effects of it may be too soon and severely felt, especially since the said Proprietors have found by Experience, that they have been paid off, when their Annuities or Stocks were above *Par*; and the Sinking-Fund is now diverted, when, as we apprehend, the said Stocks and Annuities are likely to fall considerably under *Par*. Protest against committing the Bill for applying 1,200,000 l. out of the Sinking-Fund for the Service of the Year 1734-

II. Because we look upon this Proceeding to be contrary to the Contract understood to have been made between the Publick and those Creditors, who consented to the Reduction of their Interest, in Confidence that their Principal and remaining Interest, would thereby be better secured; in Pursuance of which an Act of Parliament was made, in the third Year of his late Majesty's Reign, whereby it is enacted, That the Monies to arise from Time to Time, by certain Surplusses, Excesses, and overplus Monies therein specified (which are commonly called the *Sinking-Fund*) shall be appropriated for discharging the Principal and Interest of such National Debts and Incumbrances, as were incurred before the 25th Day of *December*, 1716, and were declared to be National Debts, and were provided for by Act of Parliament in such Manner and Form, as should be directed or appointed in any future Act or Acts of Parliament; and the said Act of Parliament is confirmed by another Act, made in the 6th Year of his late Majesty, which, after reciting that the said Overplus Money will be greatly increased, as it was from the 24th of *June*, 1727, applies the said Overplus Monies, as they stood appropriated by the former Act, and likewise establishes

Anno 7. Geo. II. ¹⁷³⁴⁻ a Contract between the Publick, and every individual Creditor of the Publick, that subscribed to the *South Sea* Company, that the said subscribing Creditors shall have a perpetual Annuity of Four *per Cent.* from the Year 1727, until they should be paid off; and then applies the Sinking-Fund so increased, to pay off such Debts as were contracted before the 25th of *December*, 1716, and declared to be National Debts, and provided for by Act of Parliament; which, if it is pursued, will be the most effectual Means, as it is the strongest Stipulation that can be made, for paying off the National Debt. And these Appropriations in the said Acts were manifestly made to prevent the Application of the Sinking-Fund to the current Service of the Year, or to the Payment of Debts incurred since the Year 1716, which, like the present Navy-Debt, may have lain dormant as long as they could possibly be concealed, and been occasioned by Ministers, who may have run the Nation into larger Expences every Year, than they thought for their Interest to demand from Parliament. We apprehend the greater Danger from this Proceeding, by considering the Steps which have been taken before it came to this Point. At first some Surplusses were distinguished out of the Sinking-Fund, and Supplies for the current Service of the Year raised upon them. Then a Sum of Five Hundred Thousand Pounds, being Surplusses of the said Fund, over the Million which had been annually paid off, was applied last Year in the same Manner. Now the Whole is taken at once; and we may justly suspect, that the next Attempt will be to mortgage the Sinking-Fund; the Consequence of which will inevitably be, as we conceive, a total Destruction of Parliamentary Credit, and introduce a Necessity of taxing the Funds. The next Step is more easy to be foreseen, than proper to be expressed.

III. Because the appropriating Clause in this Act is, in Effect, an Unappropriation of all the Money that has been raised this Year, and puts it in the Power of a Minister to divert any of the Supplies to whatever Purposes he shall think fit; and this, in Consequence only of an unprecedented Message from the Crown, specifying neither the Dangers apprehended, nor the Services proposed; whereas appropriating Clauses were introduced to prevent the secret ill Use of publick Money, and every Tendency of breaking through them, is a just Foundation for Parliamentary Jealousy and Inquiry; and therefore we apprehend, that we cannot answer it to the Nation, if we should acquiesce, when such Innovations are attempted.

IV. Because this new Method of unappropriating Money, raised for particular Uses, frustrates and eludes the Wisdom and Caution of Parliaments in the original Grant of those

Monies, which is always in Consequence of Estimates laid Anno 7. Geo. 11. before the other House, and for Services specified; and this too, at the Beginning of the Session in a full House: 1734.
Whereas this unappropriating Clause comes in, not only at the End of the Session, but at the End of the Parliament, in a thin House, after many Gentlemen were oblig'd to go to their respective Countries, and the House may be apprehended to have consisted chiefly of such, who had either no Business in the Country, or had particular Reasons for not going there till this Clause should be first passed, and take Effect.

V. Because this Clause gives Ministers such a Latitude to embezzle or misapply the publick Money, that we apprehend it to be of the most dangerous Consequence; for the Accounts, if any, given afterwards of the Disposal of such Sums, tho' impossible to be credited, may be impossible to be disproved. Domestick Fortunes may be raised out of foreign Subsidies, and the Money asked for our Defence, and granted for our Safety, may be employed for our Destruction. The Vote of Credit in the Year 1726, and what was built upon it, cost the Nation One Million, seven Hundred ninety seven Thousand, seven Hundred and thirty Pounds, exclusive of the great Increase of Forces by Sea and Land, that were granted by Parliament. Four Hundred and thirty five Thousand Pounds were never accounted for to Parliament; and the rest was accounted for under the Articles of Money paid to the Landgrave of *Hesse*, amounting to One Million, seventy nine Thousand, seven Hundred Pounds; to the Crown of *Sweden*, One Hundred and fifty Thousand Pounds; to the Duke of *Wolfenbuttle* One Hundred Thousand Pounds; to Exchange to the *Hessians*, Ten Thousand three Hundred thirty five Pounds; to Exchange to *Denmark*, Twenty two Thousand six Hundred ninety four Pounds; and all this Expence was incurred to guard against Dangers which the Administration then gave out they apprehended from the exorbitant Power of the House of *Austria*.

VI. Because the Money raised this Year amounts to Three Millions nine Hundred and eighty Thousand Pounds; One Million is raised by that expensive Way of mortgaging the Salt-Duty for eight Years; the Sinking-Fund, amounting to Twelve Hundred Thousand Pounds, is taken, and every Thing done that can carry an Appearance of easing the Land this Election Year: But this Bill not only gives the Minister a Power over the whole Supply raised this Year, but, by this unprecedented Device, lays a certain Foundation of a greater Load upon the Land, which the Nation may be reduced to pay off, with Interest, next Year: And we cannot omit this Circumstance, That the Money voted this

Anno 7. Geo. II. Year exceeds the Supply to the Amount of above One Hundred Thousand Pounds.

1734.

VII. Because we conceive this Precedent to be the more dangerous at the End of a Parliament, and may be followed fatally for our Liberties at the Conclusion of future Parliaments: For we have little Reason to be sure, and as little to hope, that future Parliaments will be like this, unbiassed, uncorrupt, uninfluenced, by the great Number of Employments they enjoy, zealous Asserters of the Laws, Liberties, and Constitution of their Country. And should there ever hereafter unfortunately be chosen a House of Commons, consisting of a Set of Men, corrupted by a Minister, bartering the Liberties of their Country for Places and Pensions, in the most flagitious Manner; detested and despised by those they represent, they would probably, towards the End of their Term, compleat the Measure of their Iniquity, by lodging such a Power in the Hands of their corresponding Minister, as would enable him to chuse them again in the succeeding Parliament, contrary to the Intentions, as well as Interests, of their true Electors, by which Means Corruption and Tyranny would be entail'd upon this Nation, in the most dangerous Manner, by the Sanction of Parliament.

VIII. Because blending inconsistent Matters of this Nature, as we conceive, in a Money-Bill, lays this House under the utmost Difficulties, since the Delays occasioned by any Alterations made in this House to some Parts of a Money-Bill, may be unavoidable Obstructions to other Parts of it, that require Expedition and Dispatch.

IX. Because the extending of this unprecedented Power to the 24th of *December* next, is a Length of Time beyond what was ever known, as we apprehend, in any Case, and is, in our Opinion, not only dangerous, but unnecessary: For the chief Pretence for the Vote, was to have Power during the Interval of Parliament, which may be chosen and meet much sooner, if it shall be thought convenient, after so extensive a Power is lodged in the Hands of the Ministers for so long a Term.

Denbigh, Litchfield, Coventry, Northampton, Winchelsea and Nottingham, Clinton, Montjoy, Craven, Bathurst, Weymouth, Montrose, Stair, Strafford, Thanet, Marlborough, Carteret, Oxford and Mortimer, Tweeddale, Gower, Masbam, Ker.

The Parliament
prorogued.

On the 16th of *April* the King came to the House, and prorogued the Parliament; and on the 18th a Proclamation was issued for the Dissolution thereof, and for calling another.

AN



A N

Exact LIST

OF THE

LORDS SPIRITUAL *and* TEMPORAL,

Summon'd to meet at Westminster, on the 14th of January, 1734-5, being the SECOND PARLIAMENT of King GEORGE the Second.

For the List of the Names of the Members of the House of COMMONS, with the several Alterations therein, by undue Elections, Double Returns, Deaths, and Promotions, &c. we refer the Reader to the APPENDIX to CHANDLER's Edition of the History and Proceedings of that House.

k. g. Knights of the Garter.

k. b. Knights of the Bath.

k. t. Knights of the Thistle.

}

u. a. Under Age.

* Don't sit in the House.

The following were created Dukes since the Revolution.

D U K E S 29.

HIS Royal Highness Fredrick, Prince of Wales, Duke of Cornwall, k. g.

His Royal Highness William, Duke of Cumberland, k. g.

Edward Howard, D. of Norfolk.*

Charles Seymour, Duke of Somerset, k. g.

William Fitzroy, Duke of Cleveland.

Charles Lenos, Duke of Richmond, k. g.

Charles Fitzroy, Duke of Grafton, k. g.

Henry Somerset, Duke of Beaufort.

Charles Beauclerk, Duke of St. Albans, k. b.

Charles Powlet, Duke of Bolton, k. g.

Thomas Osborne, Duke of Leeds.

John Russell, Duke of Bedford.

William Cavendish, Duke of Devonshire, k. g.

Edmund Sheffield, Duke of Buckinghamshire, u. a.

Charles Spencer, Duke of Marlborough.

John Manners, Duke of Rutland, k. g.

John Montagu, Duke of Montagu, k. g.

Charles Douglass, Duke of Queensberry and Dover*.

- Henry de Grey, Duke of Kent, k. g.
 James Hamilton, Duke of Hamilton and Brandon. k. t. *
 Peregrine Bertie, Duke of Ancaster.
 Evelyn Pierpoint, Duke of Kingston.
 Thomas Pelham, Duke of Newcastle, k. g.
 William Bentinck, Duke of Portland.
 John Campbell, Duke of Argyle and Greenwich, k. g.
 William Montagu, Duke of Manchester, k. b.
 James Bridges, Duke of Chandos, k. g.
 Lionel Cranfield Sackville, Duke of Dorset, k. g.
 Scroop Egerton, Duke of Bridgewater. *
- M A R Q U I S, 1.**
 William Herbert, Marquis of Powis. *
- E A R L S, 72.**
 George Talbot, Earl of Shrewsbury. *
 James Stanley, Earl of Derby.
 Theophilus Hastings, Earl of Huntingdon.
 Henry Herbert, Earl of Pembroke.
 Henry Clinton, Earl of Lincoln, u. a.
 Henry Howard, Earl of Suffolk.
 James Cecil, Earl of Salisbury.
 Brownlow Cecil, Earl of Exeter.
 John Sidney, Earl of Leicester, k. b.
 James Compton, Earl of Northampton.
 Edward Rich, Earl of Warwick and Holland.
 William Fielding, Earl of Denbigh.
 Thomas Fane, Earl of Westmoreland.
 Henry Bowes Howard, Earl of Berkshire.
 John Savage, Earl Rivers. *
 Charles Mordaunt, Earl of Peterborough, k. g.
 Harry Grey, Earl of Stamford.
 Daniel Finch, Earl of Winchelsea and Nottingham.
 Philip Dormer Stanhope, Earl of Chesterfield, k. g.
 Sackville Tufton, Earl of Thanet.
- Nicholas Leake, Earl of Scarisdale.
 John Montagu, Earl of Sandwich, u. a.
 Henry Hyde, Earl of Clarendon and Rochester.
 William Capel, Earl of Essex, k. t.
 George Brudenell, Earl of Cardigan.
 Arthur Annesley, Earl of Anglesea.
 Charles Howard, Earl of Carlisle.
 Thomas Bruce, Earl of Aylesbury. *
 Richard Boyle, Earl of Burlington, k. g.
 Anthony Ashley Cooper, Earl of Shaftsbury.
 George Henry Lee, Earl of Litchfield.
 John Roberts, Earl of Radnor.
 James Berkeley, Earl of Berkley, k. g.
 Montagu Venables Bertie, Earl of Abingdon.
 Baptist Noel, Earl of Gainsborough.
 Robert Darcy, Earl of Holderness, u. a.
 Other Lewis Windsor Hickman, Earl of Plymouth, u. a.
 William Stafford Howard, Earl of Stafford. *
- The following 11 were created since the Revolution.*
 Richard Lumley, Earl of Scarborough, k. g.
 George Booth, Earl of Warrington.
 Thomas Newport, Earl of Bradford.
 Frederick Zulestein, Earl of Rochford.
 William Anne Van Keipel, Earl of Albemarle, k. b.
 William Coventry, Earl of Coventry.
 William Villiers, Earl of Jersey.
 Henry D'Auverquerque, Earl of Grantham, k. g.
 John Poulet, Earl Poulet, k. g.
 Francis Godolphin, Earl of Godolphin.
 John Cholmondeley, Earl of Cholmondeley.
- The following 23 created since the Union.*
 Edward Harley, Earl of Oxford.
 Thomas Wentworth, Earl of Strafford, k. g.
 Henry Shirley, Earl Ferrers.
 William Legg, Earl of Dartmouth.
 Henry Paget, Earl of Uxbridge.

Lewis Watton, Earl of Rockingham, u. a.
 Charles Bennet, Earl of Tankerville, k. t.
 Heneage Finch, Earl of Aylesford
 John Hervey, Earl of Bristol
 George Montagu, Earl of Halifax, k. b.
 George Yelverton, Earl of Suffolk, u. a.
 William Cowper, Earl Cowper
 Philip Stanhope, Earl Stanhope, u. a.
 Philip Sherrard, Earl of Harborough
 George Parker, Earl of Macclesfield
 Thomas Farmer, Earl of Pomfret, k. b.
 Robert Ker, Earl Ker (Marq. Beaumont)
 Benjamin Milsom, Earl Fitzwalter
 James Waldegrave, Earl Waldegrave
 John Ashburnham, Earl of Ashburnham
 Spencer Compton, Earl of Wilmington, k. b.
 Francis Howard, Earl of Effingham
 Thomas Wentworth, Earl of Melton, k. b.

VISCOUNTS, 15.

Price Devereux, Visc. Hereford
 Anthony Brown, Visc. Montagu *
 Laurence Fiennes, Visc. Say and Sele
 Thomas Bellasis, Visc. Falconberg *
 Charles Townshend, Visc. Townshend, k. g.
 Thomas Thynne, Visc. Weymouth
 William Hatton, Visc. Hatton.

The following 8 were created Viscounts since the Revolution.
 Henry Lowther, Visc. Lonsdale
 Henry Obrian, Visc. Tadmor
 Henry St. John, Visc. St. John
 Richard Temple, Visc. Cobham
 Hugh Boscawen, Visc. Falmouth
 John Wallop, Visc. Lynton
 Simon Harcourt, Visc. Harcourt
 Pattee Byng, Visc. Torrington.

BARONS, 61.

William Nevil, Lord Abergavenny
 James Touchet, Lord Audley (E. of Cattlehaven) *

Algernon Seymour, Lord Percy
 John West, Lord De la War, k. b.
 Hugh Fortescue, Lord Clinton, k. b.
 William Ward, Lord Dudley and Ward
 Thomas Stourton, Lord Stourton *
 Richard Verney, Lord Willoughby de Broke
 Hugh Willoughby, Lord Willoughby of Parham
 William Ferdinand Carey, Lord Hunsdon
 John St. John, Lord St. John of Bletso
 Robert Petre, Lord Petre *
 Henry Arundel, Lord Arundel of Wardour *
 Charles Dormer, Lord Dormer *
 Henry Roper, Lord Teynham
 Francis Greville, Lord Brook, u. a.
 Nevil Lovelace, Lord Lovelace
 Henry Maynard, Lord Maynard
 Charles Bruce, Lord Bruce
 Edward Leigh, Lord Leigh
 William Byron, Lord Byron
 Marmaduke Langdale, Lord Langdale *
 William Berkeley, Lord Berkeley of Stratton
 Charles Cornwallis, Lord Cornwallis
 Charles Townshend, Lord Lynn
 John Arundel, Lord Arundel of Trerice
 William Craven, Lord Craven
 William Carteret, Lord Carteret
 William Stawel, Lord Stawel
 Francis North, Lord Guilford
 Edward Griffin, Lord Griffin

The following created since the Revolution.

Charles Butler, Lord Butler of Weston
 Henry Herbert, Lord Herbert of Chisbury
 Maurice Thompson, Lord Havesham
 Gilbert Vane, Lord Barnard
 John Leveson Gower, Lord Gower
 Francis Seymour Conway, Lord Conway
 John Hervey, Lord Hervey
 John Boyle, Lord Boyle (Earl of Orrery)
 George Hay, Lord Hay (Earl of Kinnoul)

Thomas Windsor, Lord Montjoy	Rob. Walpole jun. Ld. Walpole k.b.
Thomas Mansel, Lord Mansel, u. a.	John King, Lord King
Francis Willoughby, Lord Middleton	John Hobart, Lord Hobart, k. b.
Thomas Trevor, Lord Trevor	John Monson, Lord Monson, k. b.
Samuel Mafham, Lord Mafham	Thomas Coke, Lord Lovel, k. b.
Thomas Foley, Lord Foley	William Stanhope, Lord Harrington
Allen Bathurst, Lord Bathurst	Robert Raymond, Ld. Raymond, u. a.
Thomas Onslow, Lord Onslow	Philip Yorke, Lord Hardwicke
Robert Mafham, Lord Romney	C. Talbot, Lord Henfol, Lord
Charles Cadogan, Lord Cadogan	Chancellor
Matthew Ducie Morton, Lord Ducie	J. Poulet, Lord Henton

ARCHBISHOPS and BISHOPS. 26.

NAMES AN. 1735.	SEES	DATE	In the Room of
Dr. William Wake Bishop of	Lincoln	1705	
Lord Archbishop of	Canterbury	1716	Tennison deceased
Dr. Lancelot Blackburn Bp. of	Exeter	1717	Blackhall deceased
Lord Archbishop of	York	1724	Dawes deceased
Dr. Edmund Gibson Bp. of	Lincoln	1716	Wake translated
	London	1723	Robinson deceased
Dr. Edward Chandler	Litch. and Cov.	1717	Hough translated
	Durham	1730	Talbot deceased
	Bangor	1716	Evans deceased
Dr. Benjamin Hoadly	Hereford	1721	Biffe deceased
	Salisbury	1724	Willis translated
	Winchester	1734	Willis deceased
	Oxford	1690	
Dr. John Hough	Lich. and Cov.	1699	
	Worcester	1717	Lloyd deceased
Dr. John Wynn	St. Asaph	1715	Fleetwood translated
	Bath and Wells	1727	Hooper deceased
Dr. John Potter	Oxford	1715	Talbot translated
Dr. Thomas Sherlock	Bangor	1728	Baker translated
	Salisbury	1734	Hoadly translated
Dr. Robert Butts	Norwich	1733	Baker deceased
Dr. Thomas Green	Norwich	1721	Trimnell deceased
	Ely	1723	Fleetwood deceased
Dr. Richard Reynolds	Bangor	1721	Hoadly translated
	Lincoln	1723	Gibson translated
Dr. Joseph Wilcox	Gloucester	1721	Willis translated
	Rochester	1731	Bradford deceased
Dr. George Fleming	Carlisle	1733	Waugh deceased
Dr. Henry Egerton	Hereford	1724	Hoadly translated
Dr. Thomas Secker	Bristol	1733	Cecil translated
Dr. Richard Smallbrooke	St. Davids	1724	Otley deceased
	Lich. and Cov.	1730	Chandler translated
Dr. Stephen Weston	Exeter	1724	Blackbourn translated
Dr. Robert Clavering	Landaff	1725	Tyler deceased
	Peterborough	1729	Kennet deceased
Dr. Samuel Peploe	Chester	1726	Gastrel deceased
Dr. Francis Hare	St. Asaph	1727	Wynn translated
	Chichester	1731	Waddington deceased
Dr. Charles Cecil	Bristol	1733	Bradshaw deceased
	Bangor	1734	Sherlock translated
Dr. John Harris	Landaff	1729	Clavering translated
Dr. Martin Benson	Gloucester	1734	Sydall deceased
Dr. Thomas Tanner	St. Asaph	1731	Hare translated
Dr. Nicholas Clagget	St. Davids	1731	Sydall translated

A List of the SIXTEEN PEERS of Scotland.

Francis Scot, Duke of Buccleugh, k. t.	Charles Hamilton, Earl of Selkirk
James Murray, Duke of Athol	Alexander Lindsay, Earl of Balcar- ras
William Ker, Marquis of Lothian	John Murray, Earl of Danmore, k. t.
John Lindsay, Earl of Crawford	George Hamilton, Earl of Orkney, k. t.
John Sutherland, Earl of Suther- land, k. t.	Charles Hope, Earl of Hoptoun
George Douglass, Earl of Morton	Charles Collyear, Earl of Portmore; k. t.
Hugh Campbell, Earl of Loudon, k. t.	Archibald Campbell, Earl of Ila
James Ogilvy, Earl of Findlater and Seafield, k. t.	Charles Cathcart; Lord Cathcart

JAN. 14. both Houses met, and his Majesty directed the Commons to chuse a Speaker, which being done, on the 23d the King opened the Session with a Speech from the Throne as usual. Which see in *Cband. Hist. An. 8. George II.* 1734-5, P. 2.

And, as soon as his Majesty was retired from the House, Motion for as the Lords took the Speech into their Consideration, and the Address. same being read, a Motion was made, ' That a dutiful Address should be presented by that House to his Majesty, ' to return his Majesty their unfeigned Thanks for his most ' gracious Speech from the Throne; to acknowledge his ' Majesty's Care for the true Interest of his People, in pre- ' venting their being unnecessarily engaged in the present ' War, and in concerting Measures with the States General ' for restoring the public Tranquillity; to declare their Sa- ' tisfaction in observing, that the good Offices of his Majes- ' ty and the States General had been accepted by all Parties ' engaged in the War; and that it was to be ascribed only ' to his Majesty's uncommon Vigilance for the Welfare of ' his People, and the Repose of *Christendom*, that the salu- ' tary Work he was engaged in, was advanced to such a ' Degree, that a Plan might be shortly offered to the Con- ' sideration of the Parties concerned, as a Basis for a general ' Treaty: To assure his Majesty, that they would not be ' amused by any Hopes whatsoever, so far as to leave the ' Security of his Majesty and his Kingdoms exposed to real ' Dangers; and that their Endeavours should never be want- ' ing to disappoint the vain Expectations of those who might ' imagine Advantages to themselves from such Methods: ' To declare, that they trusted in that good Harmony which ' subsisted between his Majesty and the States General; and ' to

• to assure his Majesty, that they would support him in all
 • such Measures as might be necessary for securing the Blessings of Peace and Tranquillity, or for putting this Nation
 • in a Condition to act that Part, which it might be incumbent on *Great Britain* to undertake : To acknowledge the
 • Felicity they enjoyed, in his Majesty's having always esteemed the Interest of Sovereign and Subject as mutual
 • and inseparable, and having made the due Execution and
 • Observance of the Laws the Rule of his Government;
 • and to assure his Majesty, that they were determined to
 • convince the World, by a steady Course of Loyalty, that
 • they considered the Maintenance of their Religion and Liberties, as being involved in the Support of his Majesty's
 • Person and Government, and in the Preservation of the
 • *Protestant* Succession in his royal House; and that it was
 • their unalterable Purpose to transmit these invaluable Blessings to Posterity.'

This Motion was introduced with Speeches, the Substance of which was as follows.

Speeches introductory of this Motion.

• My Lords, as this Nation was no way concerned in the Transactions, which were declared to be the principal
 • Causes and Motives of the present War in *Europe*, I cannot
 • but admire the Wisdom of his Majesty's Conduct, in preventing this Nation's being any way engaged in it; but
 • my Lords, when the Sword is once drawn, it is impossible
 • to foretel how far it may be carried, or when it will be
 • put up. The Parties engaged may, as yet, be moderate
 • in their Expectations, as well as their Demands; but Success of either Side may elate the Minds of the Victors,
 • and make them resolve to carry their Conquests much farther, than they at the beginning really intended, and farther than is consistent with the Balance of Power, or the
 • Liberties of *Europe*; and therefore, though this Nation
 • was, at first, no way concerned with the Motives or Causes of the War, yet it may at last come to be very deeply
 • concerned in the Event: For this Reason it became necessary, as soon as the War broke out, to put this Nation
 • not only in a proper Posture of Defence, but in a Condition to act with Vigour, in case of Need; and in this the
 • Wisdom of his Majesty's Councils is not less conspicuous, than in the Care he has taken not to engage us too hastily in the War.

• The most ambitious Designs, my Lords, may sometimes
 • be concealed under the most plausible Pretences; but to penetrate into the most secret Springs, and to discover the real
 Views

Views of the Parties concerned, there was no Method more certain or more effectual, than that which his Majesty has taken : To make an Offer of his good Offices, for composing the present unhappy Differences of *Europe* ; and, in pursuance of the Acceptation of his good Offices, to propose such a Plan of Peace as may be consistent, as much as possible, with the Honour and Interest of all the Parties engaged in War, is a certain and an infallible Way to discover, whether any of them have secret Views, which are inconsistent with the general Interest of *Europe* ; and if any such Views should be discovered, then will it be proper and necessary for his Majesty, and the other Princes and States of *Europe*, to join together, and concert such Measures as may defeat those ambitious Views, wherever they may be found lurking and concealed,

This, my Lords, was the most prudent and the most effectual Measure which his Majesty could pursue ; and, in the Pursuit of this Measure, he has taken all those Steps which the most consummate Wisdom could direct : He has taken Care, that neither of the Parties concerned should have the least Reason to suspect his being any way partial in the Affair ; and he has, in every thing, acted in Concert with the States General of the *United Provinces*, who are our most natural Allies, and who are under the same Engagements with him. By this Concert, if there be any Prince or State in *Europe*, that entertains an ambitious View of Conquest, they will be made to see, that, as soon as their Views are discovered, they must expect to be attacked by the united Force of *Great Britain* and *Holland* ; and there is no more effectual Way of preserving the Peace of *Europe*, than that of depriving the Ambitious of all Hopes of Success, in any of the Projects they may form against the Liberties or the Dominions of their Neighbours.

To make this Measure still more effectual, it was necessary, my Lords, not only to provide for our Defence at home, but to arm ourselves with Alliances abroad, and to engage as many of the Princes and States of *Europe*, not already concerned in the War, as we could, in the same salutary Measures : For this Reason we cannot but applaud his Majesty's Conduct, in having concluded a Treaty with the King of *Denmark* ; by which, and by the other Treaties which his Majesty may hereafter conclude, it is not to be doubted, but that he will be enabled to put a Stop to the victorious Arms of either of the Parties engaged in War, in case they should attempt to carry their Successes and their Conquests farther than may be consistent with the Balance of Power in *Europe*.

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‘ At the same time, my Lords, we cannot but admire his Majesty’s Prudence and Moderation, in the Use he has made of that Power, which was so reasonably granted to him by the last Session of last Parliament, with respect to the Additions he has been pleased to make to the Naval or Land Forces of this Kingdom : The Additions made to either are but very inconsiderable ; the principal Expence has been occasioned by making Additions to our Naval Force, which Expence is always the least burdensome, and the most useful to this Nation ; and the small Addition that has been made to our Land Forces, has been made in that Way which is most convenient to the Subject, and least expensive to the Public : Yet, my Lords, this moderate Use of that Power, this small additional Expence which the Nation has been put to, joined with the prudent Measures which his Majesty has pursued abroad, has already, we see, produced extraordinary Effects. It has already produced an Acceptation of his Majesty’s good Offices, for composing the Differences now subsisting in *Europe* ; and it is not to be doubted, but that a Continuance of the same vigorous Measures, will produce a general Agreement to that Plan of Peace which his Majesty, in Conjunction with his Allies, is to propose to the Parties engaged in the present War.

‘ As these Measures, and the good Effects of them, have proceeded from that Concord and Confidence which have hitherto subsisted between his Majesty and his Parliament, so the good Effects which we are yet to expect from them, must entirely depend upon the Powers at War being convinced, that the same Concord and Confidence do still subsist ; and therefore I shall take the Liberty to move your Lordships, That, &c. (as before-mentioned.)

Amendment
proposed.

To this Motion an Amendment was proposed, That all the intermediate Paragraphs between the first and last should be left out, and that the Motion should stand thus :

‘ To return his Majesty their unfeigned Thanks for his most gracious Speech from the Throne ; and to acknowledge the Felicity they enjoyed, in his Majesty’s having always esteemed the Interest of Sovereign and Subject as mutual and inseparable, and having made the due Execution and Observance of the Laws the Rule of his Government ; and to assure his Majesty, that they were determined to convince the World, by a steady Course of Loyalty, that they considered the Maintenance of their Religion and Liberties, as being involved in the Support of his Majesty’s Person and Government, and in the Preservation of the *Protestant* Succession

cession in his Royal House; and that it was their unalterable Purpose, to transmit these invaluable Blessings to Posterity.

The Argument for this Amendment was to the Effect as follows, *viz.*

‘ My Lords, the Members of this House, who are in the same Situation with me, must labour under a very great Disadvantage, when they are to give their Sentiments of what is proposed upon any such Occasion as the present. As we know nothing of his Majesty’s Speech, till we hear it from the Throne, nor any thing of the Motion intended to be made, till we hear it in this House, it cannot be supposed that we can speak so exactly or methodically to it as otherwise we might. If I had the Motion, my Lords, in my Hand, I could exactly point out the Paragraphs I am to speak to; but as I have not, I hope your Lordships will allow me to speak from the Notes I have taken of it; and if I have mistaken any of the Paragraphs, I hope those Lords, who are better acquainted with it than I am, will endeavour to set me right. I shall readily admit, that the Motion made by the noble Duke, has been drawn up with a great deal of Zeal and Prudence; and I believe it has been concerted with as much Care and Caution, as was consistent with the Design. Argument for the Amendment.

‘ The first Paragraph, my Lords, is, in my Opinion, a very proper Return, from this House, to his Majesty’s Speech from the Throne; and the last Paragraph is a Declaration of our Zeal and Affection for his Majesty, and his illustrious Family, which I think proper upon all Occasions, and even necessary at the Beginning of a new Parliament, especially at such a Conjunction as the present: These two Paragraphs therefore will, I am convinced, appear highly reasonable to every Lord in this House; but as for all the intermediate Paragraphs, it is my Opinion, that they descend too much into Particulars for this House to agree to, without some farther Information than we have, as yet, before us.

‘ I hope, my Lords, our Affairs are in the Condition represented to us in his Majesty’s Speech; but, as I shall always have a great Regard for the Honour and Dignity of Parliament; and as Speeches from the Throne have always, in the Language of this House, been supposed to be Speeches from the Ministers; therefore I cannot think it consistent with the Dignity of this House to take Things so much upon Trust, as to depend entirely upon what they may be pleased from time to time to tell us. It was the ancient
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• and the right Method of Parliament, to keep, as much
 • as possible, to generals upon such Occasions; to express
 • their Affection for the King, and their Zeal for the Ser-
 • vice of the Crown; but to avoid entering into any Thing
 • that might look like an Approbation of the Measures
 • pursued by the Ministers. With regard to the Proceed-
 • ings in this House, the descending into Particulars does not,
 • 'tis true, preclude us from entering into future Enquiries,
 • or from censuring what may be found to be wrong upon any
 • such Enquiry; but without Doors it is otherwise; for
 • People who are not perfectly acquainted with our Methods
 • of proceeding, which is the greatest Part of Mankind,
 • look upon the Address of this House as the real Sense of the
 • House, with respect to every particular Measure mentioned
 • in that Address; and therefore, such a general Approbation
 • of all the Measures that have been pursued, and the declar-
 • ing our Satisfaction with so many Particulars, may have
 • very bad Effects, and will bring this House into Contempt
 • with the Generality of Mankind, if we should afterwards
 • censure, and perhaps punish a Minister, for those very Mea-
 • sures, which we had before so fully and so particularly ap-
 • proved.

• Speeches from the Throne have always, my Lords, been
 • looked on, not only in Parliament, but even without Doors,
 • as Speeches drawn up by the Ministers; and the Design of
 • Addresses from each House of Parliament, by way of An-
 • swer or Return to such Speeches, has always been to testify
 • to the World, the Affection of the Parliament towards the
 • King, and their Resolutions to support him in all such
 • Measures as they shall approve of. But if we should once
 • fall into the Way of answering the Speech Paragraph by
 • Paragraph, and approving, without either Information or
 • Enquiry, of every Thing which the Ministers have been
 • pleased to mention in that Speech, People will then begin
 • to think, that the Address of this House was drawn up by
 • the Ministers, as well as the Speech; in which case, the
 • Design of such Addresses will be entirely frustrated, they
 • will no Way affect either our Friends or our Enemies: In
 • short, they will become *Vex & præterea nihil*.

• With respect to the Negotiations now carrying on, for
 • restoring the Tranquillity of Europe, I hope, my Lords,
 • they will be attended with all the Success which his Maje-
 • sty or the Nation can desire; but from our past Nego-
 • tiations, I cannot think, my Lords, we have any Reason
 • blindly to approve of the present. This Nation has, with-
 • in these few Years, been engaged in a great Multiplicity of
 • different Negotiations, all of them expensive, and some of
 • them

' them such as might have been attended with dangerous
 ' Consequences : They were all intended, as we were told,
 ' to preserve the Peace of *Europe*, and establish the public
 ' Tranquillity ; but if that was the real and true Design, no
 ' one of them proved effectual for the Purpose ; the last
 ' Treaty always wanted a new one, in order to carry it into
 ' Execution ; and thus, my Lords, we have been a botching
 ' and piecing up one Treaty with another, for several Years.
 ' The Peace of *Europe* and the Balance of Power, was to have
 ' been fully established by the Treaty of *Hanover* ; but we
 ' found it would not do, and therefore that Treaty was
 ' pieced up with the Treaty of *Seville* : This, again, we
 ' found would not do ; although we had then four to one,
 ' we found it impracticable, or at least dangerous to carry it
 ' into Execution, and therefore we were obliged to conclude
 ' the Treaty of *Vienna* : By this the Treaty of *Seville* was ex-
 ' ecuted fully, indeed, of our Side ; but how this last Treaty
 ' is to be executed I do not know ; for it now appears that,
 ' to render it effectual, some new Treaty is wanting, at least as
 ' much as for any of the former. Thus we have been setting
 ' up a sort of Paper Credit, in Treaties and Negotiations ;
 ' and we have, I am afraid, extended it farther than our Fund
 ' will be able to answer.

' Whether this Nation ought to have engaged in the War,
 ' is a Question which it is impossible for your Lordships, at
 ' present, to determine, because the Treaty of *Vienna* has ne-
 ' ver yet been laid before this House ; and if from that Trea-
 ' ty, when laid before us, it should appear, that we were,
 ' in Honour, obliged to engage in the War, our agreeing now
 ' to the second Paragraph of the Motion, would no way con-
 ' tribute to the Credit of this House : With respect to that
 ' Treaty, the *Dutch* and we are upon a very different Foot-
 ' ing : By that Treaty, we went plumb in at once into the
 ' Guaranty of all the *Austrian* Dominions, without Excep-
 ' tion or Reserve, at least with regard to any of the *Christian*
 ' Powers ; for, with respect to the *Turks*, I think we shewed
 ' them a little more Regard, by making them an Exception
 ' to our Guaranty. The *Dutch*, indeed, agreed likewise to
 ' that Treaty ; but how did they agree to it, my Lords ? It
 ' was after long and mature Deliberation, and, as I have
 ' been told, under several Restrictions and Limitations ; so
 ' that, with respect to the concluding of that Treaty, it can-
 ' not be said that we acted in Concert with the *Dutch* ; and
 ' with respect to the late Transactions, whether we have
 ' acted in Concert with them I do not know, but I am cer-
 ' tain, they have not acted in Concert with us ; for they

is, it seems, to be laid before the other House, and the Reason given for so doing is, because it is to be attended with some Expence; but this Treaty we have neither seen, nor is it so much as promised to be laid before us, and therefore it is impossible to say any thing for it or against it. Whether this Treaty was concluded in Concert with the *Dutch*, I do not know; but it does not appear that they are to contribute any thing to the Charge of it; and even without seeing the Treaty, I may take notice, that if the Balance of Power in *Europe* be in any Danger, the King of *Denmark* is as much concerned in its Preservation as we are; and by an express Treaty between the Emperor and him, he is, as much as we are, engaged to guaranty his Imperial Majesty's Dominions. So that, by this new Treaty with us, the King of *Denmark* has laid himself under no Obligations, that I can hear of, but what he was before engaged in, both by his own Interest, and by his Treaties with the Emperor; and yet we are, it seems,

IV. That to provide for the Equipment of those Troops, the King of *Great Britain* shall give 80 Crowns for each Trooper, clothed, mounted and arm'd; and 30 Crowns for each Foot Soldier; one Half payable after signing the Treaty, and the other Half when those 6000 Men shall enter into the Service of his *Britannic Majesty*: That during the Time they remain in the Dominions of *Denmark*, the King of *Great Britain* shall pay his *Danish Majesty* a Subsidy of 250,000 Crowns a Year; but that Subsidy shall be reduced to 150,000 Crowns a Year, when those Troops pass over to the Service of his *Britannic Majesty*.

V. That the King of *Great Britain* shall conform to the Treaty of 1701, in regard to the Extraordinary of the Troops, and the Expence of Recruiting.

VI. That his *Britannic Majesty* shall be at Liberty to employ those 6000 Men where he shall think fit, except in *Italy*, or at Sea; neither shall they be transported into *England*, except it be for the proper Defence of the Kingdoms of *Great Britain* and *Ireland*.

VII. That if the King of *Denmark* shall happen to be attack'd, his *Britannic Majesty* shall send him back those 6000 Men, in case they happen to be at that Time in his Service; furnish him besides with all the Succours by Sea and Land, which the Circumstances may require; and continue those Succours till the Conclusion of the Treaty of Peace, which his *Britannic Majesty* shall endeavour to render as advantageous as possible to the King of *Denmark*. And his *Danish Majesty* enters into the same Engagements, on his Side, to the King of *Great Britain*, with this Condition, that the Subjects of *Denmark* shall preserve, during the whole Course of the present War, the full Liberty of their Trade with *France* and other Places, in the same Manner as in Times of Peace.

VIII. That the Performance of the Conditions of this Alliance shall take Place, in the Cases where either of the contracting Parties shall have been attack'd by Force of Arms, without having beforehand committed any Act of Aggression.

IX. That this Treaty is for the Term of three Years. And,

X. That the Exchange of the Ratifications shall be within two Months after signing the Treaty.

seems, to pay him a large, annual Subsidy. However, my Lords, as these Matters will come in more properly to be considered, when the Treaty is laid before us, I shall at present take no farther Notice of them, but only to observe, that by approving of all Measures in general, as is proposed by this Motion, we approve of this Treaty, before we have either seen it, or know any thing about it.

If we are no way concerned in the present War, if we have given no reasonable Cause of Offence to any of the Powers of Europe, what Occasion is there, my Lords, for putting any threatening Words into our Address? To assure his Majesty, that we will be ready to support him in such Measures as may be incumbent on us to undertake, is certainly a threatening way of expressing ourselves, and will probably be taken as such, by some of the Powers now engaged in War. I wish, my Lords, we were in a better Condition than we are; I wish the Nation were free of that heavy Load of Debts, under which it groans at present; but while we are oppressed with such a Load of Debts, and such a Number of Taxes, all mortgaged and pre-engaged, is this Nation in a Condition to threaten, or can we pretend to frighten the Powers of Europe? We may be able, we must defend ourselves when attacked; but surely we ought not to draw an Attack or an Insult upon ourselves, by threatening others with what we will do, at a time when none of our Neighbours have so much as a Design to disturb us, at least, in so far as we have yet been told, by those who ought to acquaint us, in case they suspect we are in any Danger.

This Paragraph, my Lords, is very inconsistent with the former Part of the Motion. By the second Paragraph, we are to acknowledge his Majesty's Care for the true Interest of his People, in preventing their being unnecessarily engaged in a War; and, by this Paragraph, we are to make use of such menacing Words, as may engage his Majesty in a War whether he will or no, and whether it be the Interest of his People or not. This, I say, appears to me, to be altogether inconsistent; and therefore, if these two Paragraphs stand Part of the Motion, I hope the latter will be a little softened. But I have, I think, shewn sufficient Reasons, for leaving them, and all the intermediate Paragraphs out; for which Reason, I shall conclude with moving for this Amendment, That, &c. as before mentioned.)

The Answer made to this Argument was in Substance thus;

My

Answer to the
Argument for
Amendment.

‘ My Lords, the noble Lord who proposed the Amendment to the Motion now before us, set out with such an Eulogium upon it, that I imagined he was to agree with it in every Particular ; and I began to indulge myself, with the Hopes of having the Satisfaction to find, that his Lordship’s Opinion was the same with mine I was glad to hear his Lordship acknowledge, that the Motion had been drawn up with a great deal of Zeal, a great deal of Prudence, and a great deal of Caution : In this I agree with him ; for I think the Motion made to us by the noble Duke, is so prudently, and so cautiously worded, that I am surprised to hear the least Objection made to it.

‘ If by any such Address, my Lords, this House were to be precluded from all future Enquiries ; nay, my Lords, if there were any Words in the Address now proposed, which might be interpreted as an express Approbation of any particular Measure that has been pursued, I should think there might be Reason for the Amendment proposed ; but as no such thing can be presumed, from any part of the Motion made to us, I cannot find the least Reason for such a thorough Reformation, as what is proposed by the Amendment. I have as great a Regard for the Honour and Dignity of Parliament, as any Lord in this House ; but I likewise have a great Regard for the Duty and Respect we owe to the King ; and after his Majesty has been graciously pleased, in his Speech, to give us so full an Account of his Conduct, I must leave it to your Lordships to consider, how odd, how disrespectful it would look in us, to take no manner of Notice in our Answer, of any one thing he has told us, but only in general to thank him for his Speech from the Throne, and to declare what I hope no Man has just Reason to doubt of. Would not People generally from thence conclude, that we regarded very little what his Majesty had told us ? and would not his Enemies from thence imagine, that his Parliament put no Confidence in him ? This is what the noble Duke was aware of ; and therefore, to shew our Respect to his Majesty, he has touched generally upon every thing, that his Majesty has been pleased to mention in his Speech ; but, at the same time, his Motion is conceived in such Terms, as cannot any way interfere with the Honour and Dignity of this House, or with any of our future Proceedings.

‘ As for our former Treaties and Negotiations, it is not my Business, at present, to vindicate all or any of them ; but as they have been taken notice of by other Lords in this Debate, I hope your Lordships will indulge me with Leave to make some few Observations upon them. In

treating and negotiating with foreign Powers, I do not know, my Lords, that any general Rules can be established; for whatever Rules we may prescribe to ourselves, we can prescribe none to the foreign Courts we have to do with; and therefore, we must always direct our Measures, according to the Humours we find them in, and according to the various Incidents that occur. This was the Case with respect to the Treaty of *Hanover*: A dangerous League had been formed against the Honour, the Trade, and the Possessions of this Nation: These Designs we had given no Occasion to, by any false Step, by any Provocation, or by any Mismanagement on our Parts; but after we found they were actually formed, it became necessary for us to concert Measures for preventing their Execution; and that was effectually done by the Treaty of *Hanover*. This was all that was, or could be intended by that Treaty, and every one knows, how effectual it proved, for the Purpose it was designed: We thereby disappointed all the warlike Projects of *Spain* against this Nation; and after we had convinced them, that they could get no Advantage by being at Enmity with us, then, and not till then, was it a Time to think of restoring a good Correspondence between the two Nations; and this was fully effectuated by the Treaty of *Seville*. We had then nothing to do, but to make up that Breach, which the Imperial Court had made between us and them, by their entring into the League with *Spain* against us; and by the Treaty of *Vienne*, not only this Breach was made up, but a thorough Reconcilement was established, to all human Appearance, between the Emperor and *Spain*. By this last Treaty therefore, it must be granted, that the Affairs of *Europe* were put upon just such a Footing as we ought to desire; and if Treaties since made, or Measures since pursued by foreign Courts, have overturned or disturbed the Establishment that was then made, surely we are not to be blamed; for I know of no Treaty we have since concluded, nor any Negotiation we have since carried on, except those we have lately been obliged to conclude or carry on, either for preventing the present War, or for restoring the Peace of *Europe*; and if these last prove as effectual as our former Treaties and Negotiations have done, neither this House nor the Nation will have any Reason to find Fault with them.

Now, my Lords, with respect to the several Paragraphs, proposed by the Amendment to be left out of the Motion, let us but consider them one after another, and we shall find them all conceived in such general Terms, that there

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can be no good Reason assigned for leaving any of them out; and the Respect we owe to his Majesty, must be a strong Argument in Favour of every one of them; because we are certainly in Duty, nay, in common Decency, bound to take some sort of Notice, of every thing he has mentioned in his Speech. By the first, we only acknowledge his Majesty's Care, in preventing our being unnecessarily engaged in the War. Do we by this, my Lords, either affirm or deny our being engaged, by the Treaty of *Vienna*, or by any other Treaty, to take a Share in the War? Have we then any Occasion to consult the Treaty of *Vienna*, before we agree to the making of this Return to his Majesty's Speech? Suppose it should afterwards appear, that we were by the Treaty of *Vienna*, or otherwise, engaged to have joined in the War at the very Beginning; will what is now proposed, preclude our Enquiry into that Affair? or will any Censure we can pass upon those who advised the contrary, shew any Inconsistency in the Proceedings of this House? And as to our Acknowledgments to his Majesty, in relation to his having concerted Measures with the *Dutch*, for restoring the public Tranquillity; this too is conceived in such general Terms, that we neither affirm nor deny his having done so; therefore, we are left at full Liberty to consider this Affair likewise hereafter, and to come to such Resolutions, as may then appear just and reasonable.

As this Paragraph of the Address proposed, is conceived in such general Terms, I do not think it at all necessary for us at present to enquire, how far we are engaged by the Treaty of *Vienna*, or how far his Majesty and the States General have proceeded in Concert together; but allow me, my Lords, to say something in answer to what has been alledged upon both these Heads. With regard to our Engagements by the Treaty of *Vienna*; it is true the Emperor has demanded Succours from us, and insists that we are, by that Treaty, obliged to furnish them; but as this War was occasioned by the Affairs of *Poland*, in which we had no Concern, it is certain we are no way obliged, by that Treaty, or any other I know of, to furnish any Succours, either to him, or to any other Power now engaged in the War. Then as to the Concert between the *Dutch* and us, tho' the Forms of their Government, did not allow them to join with us at first in the Treaty of *Vienna*, yet the Negotiation antecedent to that Treaty, must certainly have been carried on in Concert with them, because they are named as principal contracting Parties in the Treaty; and they acceded to it, as soon as the necessary Forms of their Govern-

Government would admit. Their Accession may have Anno 8. Geo. II. been, for what I know, clogged with several Restrictions and Limitations ; but whatever these Restrictions or Limitations were, it is certain that the Emperor, in the present Conjuncture, looks upon them to be as much obliged as we are, to furnish him with the stipulated succours, and has accordingly made as peremptory Demands for these Succours upon the *Dutch*, as he has made upon us.

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The Treaty of *Neutrality* has likewise been mentioned, as concluded by the *Dutch*, without any Concert with us. Whether the Design of that Treaty was communicated to this Court, I shall not take upon me to determine ; but as neither the *Dutch* nor we had any Concern in the War at the Beginning, or can hereafter be any way concerned in the War, unless that Barrier should be attacked, or that either of the Parties engaged should attempt to carry their Conquests so far, as to endanger the Balance of Power in *Europe*, surely their concluding a Treaty of Neutrality for that Barrier, could no way concern us, nor can it be looked on as any way inconsistent with that Concert, which ought to be kept up between us, especially considering, that even by that Treaty they reserve to themselves a Liberty of fulfilling all their Engagements to the Emperor, and would, notwithstanding that Treaty, be at full Liberty to engage in the War, if either Party should, under Pretence of what has happened in *Poland*, attempt to overturn the Balance of Power in *Europe*.

The *Dutch*, it is true, my Lords, have not as yet made any Augmentation of their Forces, either by Sea or Land ; but we may easily find a Reason for it, if we will but recollect the great Reduction they had actually resolved to make of their Land Forces, just before the present War broke out. This Reduction they have ever since suspended, on Account of the War, and for no other Reason ; and therefore it is to be looked on as an Augmentation made in Concert with us, for rendering more effectual those Measures we may jointly take for restoring the public Tranquillity, and establishing the Balance of Power. From all which, I think it is evident, that the Concert between the *Dutch* and us, which is so necessary for both our Interests, has been exactly observed by both, in every Measure in which we had a joint Concern.

The next Paragraph proposed to be left out, is that by which we declare our Satisfaction in observing, that his Majesty's good Offices have been accepted of ; and that a Plan of Peace may be shortly offered to the Parties concerned : As his Majesty has, in his Speech, been pleased to

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mention both these Particulars to us, it would, my Lords, in my Opinion, be very disrespectful in us, not to say one Word of either in our Address, by way of Return to his Majesty's Speech; and the noble Duke has proposed to mention them in such a general Manner, that I wonder to hear it found Fault with. It is not to be questioned, but that all the Parties engaged in War will declare, they are ready to accept of reasonable Terms; such Declarations are not, indeed, of any great Consequence; but, my Lords, the Acceptation of good Offices is a great deal more; it is in some manner the accepting of a Mediation, and submitting, as it were, to the Arbitration of a third Party. Declarations may perhaps be easily obtained, and may be of no Effect when obtained; but the Acceptation of a Mediation, or of good Offices, is not so easily obtained; we know that they have been often refused, and the Power of them always shews a great Deference and Respect to the Power whose good Offices are accepted of; and it is no way beneath the Dignity of this House, that our Satisfaction in observing, that his Majesty's good Offices have been accepted.

As to the Plan to be offered to the Consideration of the Parties concerned, if, by what is proposed, we declare our Approbation of that Plan, there would be some Reason for the Objection made; but as we are to declare nothing in relation to the Plan itself, and as we must presume, that no Plan will be offered by his Majesty, but such a one as he thinks all Parties concerned ought to accept, the acknowledging his Majesty's Vigilance for the Repose of *Christendom*, in that Respect, cannot surely be any way inconsistent with the Dignity of this House, nor can it be attended with any bad Consequences; for if this House should afterwards find Fault with the Plan offered, and should resolve to censure those who advised it, there is nothing in the Motion now before us, that can any Way obstruct or prevent such a Proceeding.

The last Paragraph found Fault with, is said to be a threatening Paragraph, and we have been told, that the Nation is not now in a Condition to threaten. Upon this, my Lords, I shall observe, in general, that if the Nation be in no Condition to threaten, we are the more obliged to his Majesty for the Care he has taken to prevent our being unnecessarily engaged in the present War. But, my Lords, I cannot agree with the noble Lord in thinking that there is a Threat, or any Thing like a Threat in this Paragraph; and if there were, I am very sure it cannot be supposed to be levelled against any but those who may deserve, and must expect

* expect something more than Threats, let the Nation be in Anno 8. Geo. II.
 * what Condition it will : What is said in this Paragraph, 1734-5.
 * cannot be presumed to be levelled against any but those
 * who shall endeavour to amuse us with vain Hopes, in order
 * to bring the Security of his Majesty and his Kingdoms into
 * real Danger, by overturning the Balance of Power in *Eu-*
 * *rope* : In such a Case, though this Nation might not per-
 * haps, be directly and immediately attacked, yet, it is to be
 * hoped, we should not look quietly and cowardly on, till it
 * was out of our Power to defend ourselves : It is not to be
 * doubted, but his Majesty would, in Time, concert proper
 * Measures for the Security and Preservation of his Crown
 * and Kingdoms ; and, I hope, this House will always be
 * ready to support his Majesty in all such Measures. There-
 * fore, my Lords, if there be at present no Power in *Europe*
 * endeavouring to amuse us with such Hopes, there is nothing
 * in this Paragraph that can be taken as a Threat by any
 * Power in *Europe* ; and if there be any such Designs secretly
 * harboured, those who harbour them, not only deserve to be
 * threatened, but they ought to be attacked as soon as they
 * attempt to put them in Execution.

* The late Treaty with *Denmark* is not so much as men-
 * tioned in the Motion now made to us, and therefore I can-
 * not see what we have to do with it at present. His Ma-
 * jesty has indeed told us, that he has concluded such a Trea-
 * ty ; and he has told the other House, that it is to be laid
 * before them, because it is to be attended with some Ex-
 * pence : This, my Lords, is the only Reason his Majesty
 * can have for laying any Treaty before either House of
 * Parliament, before it be called for by the House ; and as
 * that Expence is to be first considered by the other House,
 * therefore his Majesty told them, that he had ordered the
 * Treaty to be laid before them ; but if any of your Lord-
 * ships has a mind to move for that Treaty's being laid be-
 * fore this House, I shall be so ready to agree to it, that I
 * shall second the Motion ; and till it be laid before us, I
 * cannot see how it can properly come under our Consider-
 * ation. However, I shall, in the mean time, make this
 * general Remark, that if we should have the Misfortune of
 * being obliged to engage in the War, it must be granted,
 * that it would be very proper to have *Denmark* of our Side,
 * and that therefore it was not only proper but necessary to
 * conclude this Treaty with them ; for if this Treaty had
 * not been concluded, every one may judge what sort of
 * Treaty would have been concluded with that Court.

* Thus, my Lords, I hope I have shewn, that there is
 * nothing in the Motion made to us by the noble Duke, that

Anno 8. Geo. II. 1734-5. is any way inconsistent with the Honour and Dignity of this House ; that there is nothing but what is necessary for shewing our Duty and Respect to his Majesty ; and therefore I hope your Lordships will be of Opinion with me, that there is no Occasion for the Amendment proposed.

To this it was replied in Substance as follows :

Reply. ' The Doctrine, now laid down to us, seems to me, my Lords, extremely new, and absolutely inconsistent with the ancient Method of proceeding in Parliament. We are now told, that we shall be wanting in that Respect, which is due to his Majesty, if we do not in our Address take some Notice of every Particular mentioned in his Majesty's Speech. This, my Lords, is something very extraordinary : The ancient, and what ought to be the only Design of his Majesty's Speech to this Parliament, at the Opening of their Session, was to inform them of his Reasons for calling them together, and of the Demands he had to make upon them ; and to answer every Particular mentioned in his Majesty's Speech, was always understood to be the Business of the whole Session of Parliament, and not the Business of the first or second Part of that Session. The Addresses of Parliament, by way of Answer or Return to this Speech, were formerly never any thing more but a general Acknowledgment of Thanks for the Speech from the Throne, and general Assurances of Loyalty and Fidelity to the King, and of supporting him in whatever should appear to them to be reasonable. The King was so far from expecting to have every Particular answered in that Address, and high Compliments made on every Paragraph of his Speech, that happy was our King, of old, if he could but get a proper Answer to each Particular during the whole Session. Our Parliaments were not then so ready to grant, nor had they so much Politeness as to pass any Compliments without a due Consideration. and without being fully convinced of the Truth and Justice of what they were to say : But if this new Doctrine prevails, we shall have Speeches made at the beginning of each Session, not with a Design to inform the Parliament of the true State of Affairs, or to acquaint them with the King's Demands, but contrived by the Ministers, on purpose to catch at Compliments, and to dazzle the Eyes of the People with Panegyrics bestowed upon their Measures by both Houses of Parliament.

' In the Language of Parliament, my Lords, we are not only to take care not to affirm expressly, or deny what may afterwards

afterwards appear to be otherwise ; but we are to take care not even to insinuate what may afterwards appear to be false. In this Light, my Lords, let us consider the Motion that has been made to us, and we shall find, that every Paragraph proposed to be left out, bears an Insinuation of a Fact, which may afterwards appear to the whole World to be false ; and if it should happen so, I leave to your Lordships to consider, what the World must say of the Honour and good Sense of this House ; for surely they cannot approve of both. Lords may say what they will of this House's not being precluded by any thing in the Address, or prevented from future Enquiries or Censures : It is true, my Lords, as a House of Parliament, we are not ; but I will say, that the passing of such Compliments, as have of late been too usual in our Addresses, is a sort of forestalling the Opinions of many Lords in this House ; for after my having agreed to a Panegyric, either express or by Insinuation, upon any Measure pursued by the Ministers, I should be sorry to find afterwards that such a Measure deserved Censure ; and therefore it is certain, it would be difficult to convince me of it ; nay, even after Conviction, I believe human Weakness would make me loth to agree to the putting a public Mark of Ignominy upon that, which I had formerly agreed to applaud, even by Insinuation.

Having now endeavoured to shew, that our Respect to the King, or the Generality of the Expressions proposed to be made use of, can be no Argument for our descending into so many Particulars ; allow me, my Lords, to descend into those Particulars, and examine every one of them separately, by way of Reply to the Observations the noble Lord has been pleased to make on them ; but first let me take some Notice of what the noble Duke said in relation to our former Treaties and Negotiations. He told us, that, in treating with foreign Powers, no general Rules could be established ; in which I must beg leave to differ from him ; for, I believe there are many general Rules may be established : I shall mention only two, which are, That we ought always to observe, and, as punctually as possible, comply with the Terms of those Treaties we enter into : And the other general Rule is, That we ought to enter into no Treaties but such as are for the Interest of our native Country. These are two general Rules, which are, by the Nature of Things, established, though I doubt much if they have been always observed. By the Treaty of *Hanover*, my Lords, we are told, that dangerous Designs against this Nation were prevented ; Designs which had been formed

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against us by the Treaty of *Vienna*, between the Emperor and *Spain*: But this is a Fact that has always been disputed; and if the Fact was false, I am very sure the Treaty of *Hanover* was very much contrary to the Interest of this Nation: Nay, considering how improbable it is, that the Imperial Court would enter into the Measures then attributed to them; or that the Imperial and *Spanish* Courts, united together, could conceive Hopes of doing any great Injury to *Britain*, there is some Reason to believe, that the Story was invented by a Court, whose Interest it was then to break, by any Means, the good Correspondence that was by the Treaty of *Vienna*, established between the Courts of *Vienna* and *Madrid*, and whose Interest it will always be to foment Jealousies and Divisions between the Courts of *Vienna*, *Madrid* and *London*. I will agree with the noble Duke, that the Correspondence between *Spain* and us, which was broke off by the Treaty of *Hanover*, was, in some measure, I will not say altogether, restored by the Treaty of *Seville*; but I wish he had told us, at whose Expence that Correspondence was restored, or what other Honour or Advantage the Nation reaped from that Treaty; and if, by the Treaty of *Vienna*, a Correspondence was restored between the Emperor and us, I am afraid our Correspondence with *Spain* was, by that new Treaty, a little disturbed; and the Union, which now subsists between *France* and *Spain*, was effectually established: So that, upon the whole, I do not see, that this Nation has many Advantages to brag of from our late Treaties and Negotiations; and if the Treaty of *Vienna*, between the Emperor and *Spain*, was not such a Treaty as it was most industriously represented by us to be, I am very certain the Nation has already greatly suffered by the Mistake, and may suffer a great deal more in time to come.

But now, my Lords, to return to the Paragraphs of the Motion, which, by the Amendment, are proposed to be left out. To these I shall speak with the more Freedom, because I do not think his Majesty any way concerned in the Question. I shall always be ready to join in our acknowledging our Duty and Fidelity to the King; but, when we are to pass Compliments upon Measures, it is to the Ministers we make these Compliments, and I shall never be for this House's descending so low, as blindly to pass Compliments on them. By the first of these Paragraphs we are to acknowledge the Care of the Ministers, in preventing our being unnecessarily engaged in the present War. My Lords, if this be not a direct Affirmation, it is as strong an Insinuation as this House can make, that we were no way obliged, either by Treaty or by Interest, to engage in the present

War

' War; and if, upon Enquiry, it should afterwards come Anno 8. G. o. II.
 ' out, that we were, from the very beginning, obliged 1734-5.
 ' both by Treaty and by Interest to have engaged in the War,
 ' what would the World think of this House, if we should
 ' agree to the Address this Day proposed? nay, I must ap-
 ' peal to the Lords that are against me in this Motion,
 ' what they would think of themselves for having agreed to
 ' such an Address; they would be obliged to acknowledge,
 ' at least, that they had been imposed on, and such an Ac-
 ' knowledgment can add nothing to the Character of any
 ' Man, much less can it add to the Character of any Lord
 ' of Parliament.

' If there were then no manner of Reason to presume,
 ' that we were any way obliged to engage in the present War,
 ' we ought not, my Lords, to come in blindly to the ma-
 ' king of such an Insinuation in our Address: But in the
 ' present Case there is some Reason to presume, that we
 ' were actually obliged, if not to engage as Principals, at
 ' least to engage as Allies and Guarantees. The noble Duke
 ' has told us, that the Emperor has not only demanded the
 ' Succours stipulated by the Treaty of *Vienna*, but insists
 ' upon it, that we ought directly to furnish them. I shall
 ' not pretend to say, my Lords, that the Imperial Minis-
 ' ters are in the right; on the contrary, I hope they have
 ' no manner of Reason for the Demand they have made;
 ' but as we have neither seen the Treaty of *Vienna*, nor
 ' the Reasons alledged by the Imperial Court for the De-
 ' mand they have made, surely we ought not thus blindly
 ' to insinuate, that there is nothing in what they have said
 ' upon that Subject.

' Now, my Lords, let us take the other Side of the Case;
 ' let us suppose that we were no way obliged, either in
 ' Honour or Interest, to concern ourselves in the present
 ' War: In such a Case, what would that Minister have de-
 ' served, that should have advised his Majesty to plunge the
 ' Nation into a War, in which we had no manner of Con-
 ' cern? Would not he have deserved the highest Resent-
 ' ment of this House? would not he have deserved the high-
 ' est Vengeance his Country could have brought upon his
 ' guilty Head? And shall we, my Lords, make a fine Com-
 ' pliment to a Minister, for not doing, what? For not
 ' doing that for which he ought to have lost his Head upon
 ' a Scaffold.

' I am really surprised, my Lords, to hear it pretended,
 ' that the Treaty of *Vienna* was concluded, or the Nego-
 ' tiation for that Purpose carried on; in Concert with the
 ' *Dutch*; since it is so well known, that they were so far

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from being principal contracting Parties, that it was, after long Delays, and with much Difficulty, that they acceded to it; and that they did not even at last accede, but under several Restrictions and Limitations, and after having obtained several Additions and Explanations, in Favour of their own Country: They, like a wise State, took that Opportunity to have all Disputes and Differences with the contracting Powers, agreed and settled to their own liking; as they were, by that Treaty, to do a very great Favour to the Emperor, they took care to have something in Return; and it were to be wished, that we had followed their Example, in every Treaty we have lately made. They were, indeed, named in the Treaty of *Vienna* as principal contracting Parties, but how they came to be so I could never yet comprehend; the Imperial Court submitted to it, perhaps at that Time, because they had a very great Favour to ask, and it was very much their Interest to have the *Dutch* become Parties in that Treaty; but how we came to submit to have any Power named, as a principal contracting Party in a Treaty with us, without their being as ready to sign it as we were, I cannot yet comprehend.

As for their not having made that Reduction of their Land Forces, which was proposed before the War broke out; it is very certain they have not, even now, a greater Number of Forces, than is necessary for defending the extensive Frontiers of their Country, and supporting the many Garrisons they are obliged to keep up; so that if they had made any Reduction, they must have trusted to some of their Neighbours for their Defence; but, supposing that they might have safely made that Reduction, their having suspended it, cannot be called acting in Concert with us; because we have not only suspended making that Reduction in our Land Forces, which we might easily have made, and which we ought to have made if the War had not broke out; but we have made large Additions to our Forces both by Sea and Land; and yet it must be acknowledged that we are not, by our Situation, so immediately exposed to Danger as the *Dutch* are. From hence, my Lords, it is to me evident, that the Concert between the *Dutch* and us, can consist in nothing, but, as has been already said, in our having acquainted the *Dutch* with the Measures we were to take, and the Expences we were to put ourselves to; and such a Concert does not, in my Opinion, deserve a Compliment from this House, not even in the most general Terms that can be thought of.

I must

' I must submit to your Lordships, whether the Compli- Anno 8. Geo. II.
 ' ment proposed to be made, upon the Acceptation of our 1734-5.
 ' good Offices, and upon the Plan of Peace, does not bear
 ' a very strong Insinuation, that we think it was reasonable
 ' and necessary for us to offer our good Offices; that these
 ' our good Offices are accepted of in such a manner, as may
 ' give great Hopes of their Success, and that it was proper
 ' for us to thrust ourselves so far into other People's Affairs,
 ' with which we declare we had no Concern, as to propose
 ' a Plan for an Agreement; and, considering the profound
 ' Ignorance we have been kept in, with relation to all our
 ' late foreign Transactions, I do not see how we can, in
 ' Honour, pretend to make any such Insinuations. It is an
 ' old Observation, my Lords, that Arbiters often draw up-
 ' on themselves the Resentment of both the Parties at Va-
 ' riance: In private Life, it is always reckoned a dangerous
 ' Undertaking, especially when the Arbitration is offered,
 ' without being desired by either of the Parties concerned:
 ' In public Affairs the Maxim will hold equally true, and
 ' therefore no wise State will be ready to intermeddle in
 ' foreign Broils, unless by such intermeddling, they have a
 ' View of procuring some particular Advantage to them-
 ' selves: The Balance of Power in *Europe* is not yet in such
 ' a dangerous State, as to require our being so very busy and
 ' officious; and when it comes to be so, the other Powers of
 ' *Europe*, not yet engaged in the War, are as much interest-
 ' ed, and ought to intermeddle as much as we; so that,
 ' upon a strict Enquiry, it may, perhaps appear, that even
 ' the Offer of these good Offices was not only unnecessary,
 ' but officious, and without any View to the particular Ad-
 ' vantage of this Nation: And if, upon such Enquiry, it should
 ' appear, that the Acceptation of these good Offices has been
 ' made, by every one of the Powers concerned, in such
 ' Terms as cannot give any Hopes of Success, how can we
 ' answer to the Honour and Dignity of this House, for ma-
 ' king such anticipated and such rash Insinuations?

' The Plan to be offered by us, may appear to be a wise
 ' and a good one, it may appear to be otherwise; but, my
 ' Lords, if, upon Enquiry, it should appear, that even the
 ' offering of our good Offices was rash and officious, surely
 ' the proposing of a Plan, and setting ourselves up openly,
 ' as Law-givers to the other Princes and States of *Europe*,
 ' must appear to be much more so, and may involve this
 ' Nation in Difficulties and Dangers, we seem at present to
 ' be very little aware of: It may produce Confederacies a-
 ' gainst us; it may unite the Powers of *Europe* in a League,
 ' to pull down the Pride of *Great Britain*; which is a Case

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that has often before happened ; a Case by which almost every one of the Powers of *Europe* has been, some-time or another, brought very near to their utter Destruction. I do not know, my Lords, but that the *Dutch* may have acted in Concert with us, both in the offering our good Offices, and in the drawing up and proposing this Plan of Peace which is to be offered : In this, I say, they have acted in Concert with us, because it put them to no Expence ; but I am afraid it will at last appear, nay, perhaps they may endeavour to make it appear, that their acting in such a Manner, proceeded entirely from a political Complaisance, they were obliged to shew to *Great Britain* ; so that in the end, they may get as much Honour and Advantage as we, by the Success, and can no way suffer by the Disappointment.

As to the threatening Paragraph, my Lords, I am very sure, that if a Man in a private Company should swagger, and swear, he would not be amused ; he would not be imposed on ; he would always be ready to act that Part which was incumbent on him to undertake : If I were one of the Company, I should look upon it as a threatening sort of Declaration ; and if there had been any Dispute between him and me, if I had but refused any thing he desired of me, I should look upon it as a Threat designed directly against me : Indeed, if such a Blusterer had had no Dispute with any one of the Company, I should look upon him as a Bully and a very silly Fellow. In public Life, I think, my Lords, it is the same : When it becomes necessary for this Nation to act, I hope we shall always act with that Vigour and Courage which is worthy of *Great Britain* ; but I shall always be against our making any bullying or blustering Declarations, till it becomes necessary for us to carry them directly into Execution ; and therefore I must be against this Part of the Motion.

It is true, my Lords, the late Treaty with *Denmark* is not mentioned particularly in the Motion ; but when we talk so much of the Wisdom, the right Reason, and the Prudence of his Majesty's Councils, which in the Language of Parliament, upon this Occasion, is understood to be the Wisdom, the right Reason, and the Prudence of his Ministers, I must presume, and all the World will, I believe, presume, that the late Treaty with *Denmark* is included among the rest ; and I cannot applaud the Wisdom, the right Reason, and the Prudence of that Treaty, before I know what it is. We are told, my Lords, that if that Treaty had not been concluded, some other would : I do not know, my Lords, that

that this Nation is at present in any Danger of being attacked, and therefore I do not know any Reason we had to pay a Subsidy to *Denmark*, in order to prevent that King's making any Treaty he had a mind ; but if we were to be attacked, surely we are not to become tributary to him, and to pay him a yearly Tribute, under the Name of a Subsidy, to prevent his joining with any Power whatever against us ; and if the Preservation of the Balance of Power was the only Motive for entering into such a Treaty, if that was in any real Danger, he was certainly as much concerned for its Preservation as we ; and therefore we are not to suppose, that he would have concluded any Treaty to its Disadvantage. From such Reasoning, my Lords, as I have this Day heard in this House, one would really imagine, that we are to take the Care of preserving the Balance of Power in *Europe* entirely upon ourselves ; which if we do, I can easily foresee, that most of the Princes of *Europe* will always take Advantage of our officious Care, and our ridiculous Apprehensions, and will refuse to act with Vigour even in their own Defence, unless we pay them a yearly Subsidy for so doing.

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I shall conclude, my Lords, with observing, that if it was necessary for his Majesty to lay this Treaty before the other House, because it was to be attended with some Expence, the very same Reason made it necessary for his Majesty to order it to be laid before this House ; for although Grants of Money are first made by the other House, no such Grant can be effectual, without the Consent of this. It would seem then, that when a Demand is to be made on the other House, for any Grant of Money, the Reason for making such Demand is to be laid before them, without their asking for it ; but when we are to consent to that very Grant, no Reason is to be laid before us, unless we ask for it. This, my Lords, is a different Sort of Behaviour, with respect to the two Houses, which I shall make no Remark on, but leave to your Lordships Consideration.

From what I have said, my Lords, I hope I have made it appear, that every Paragraph, proposed to be left out of the Motion now before us, is inconsistent with the Honour and Dignity of this House, and that neither the Duty nor the Respect we owe to his Majesty, require our putting any one of them into our Address ; but that the first and last Paragraphs of the Motion are sufficient, and as much as, by the ancient Usage of Parliament, was customary upon such Occasions ; and therefore I hope your Lordships will agree to the Amendment proposed.

Anno 8. Geo. II. The Question first put was as usual, for agreeing to the Amendment proposed, upon which there was a Division ; and there being but 37 Contents to 89 Not Contents, the Amendment was disagreed to by a Majority of 52.

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Questions put.

The Question, consequently, next put, was, To agree to the Motion, which was carried without a Division ; and a Committee being named to draw up the Address, they retired to the Prince's Chamber ; and being returned, the Address drawn up was read and agreed to the same Day, and is as follows, viz.

Die Jovis, 23 Januarii, 1734.

The Lords Address.

Most gracious Sovereign,
WE your Majesty's most dutiful and loyal Subjects, the Lords spiritual and temporal in Parliament assembled, humbly beg Leave to return your Majesty our unfeigned Thanks for your most gracious Speech from the Throne.

' The many Blessings we enjoy, under your Majesty's mild and auspicious Government, are happily felt by all your People ; among which your paternal Care and Tenderness for their true Interest, in employing your unwearied Endeavours, to prevent their being unnecessarily involved in the present War, stand signally distinguished : And it would argue the highest Degree of Ingratitude in us, if we did not acknowledge ourselves sensibly affected by the Benefits that have accrued from this prudent Conduct.

' In this your Majesty has given the World fresh Proofs of your just Sentiments of true and solid Glory, since you have preferred the real Prosperity and Ease of your Subjects to all other Considerations ; and in that View have concerted Measures with the States General of the *United Provinces* (the ancient and natural Allies of the *British* Crown) for restoring the public Tranquillity.

' It is with the utmost Satisfaction we observe, that, in Consequence of this proceeding, the good Offices of your Majesty, in Conjunction with them, have been accepted by the several Parties engaged in the War ; and we cannot suffer ourselves to doubt, but the Interposition of the maritime Powers, united in Interest and mutual Friendship, will have its just Weight.

' When we turn our Thoughts to the various and different Views of the Princes and Powers concerned, we find ourselves obliged, with the utmost Thankfulness, to ascribe it to your Majesty's uncommon Vigilance and Attention to the Welfare of your People, and the Repose of *Christianity*,
 ' that

* that no Time hath been lost in making Use of any good Dispositions of the respective Powers at Variance ; and that this salutary and extensive Work is advanced to such a Degree, that a Plan may be shortly offered to their Consideration, as a Basis for a general Treaty. Anno 8. Geo. II.
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* The Events of Negotiations, as well as of War, are, in the Nature of Things, liable to Uncertainty : But when we reflect on the many Instances we have experienced, of right Reason and Prudence being the governing Rule of your Majesty's Actions, we promise ourselves, that these your generous Labours, for procuring universal Tranquillity, will merit that good Success, which all well-disposed Minds wish they may be attended with.

* At the same time permit us to assure your Majesty, that we are incapable of being so far amused by any Hopes whatsoever, as to leave the Security of your Majesty and your Kingdoms exposed to real Dangers ; and that our Endeavours shall never be wanting, to disappoint the vain Expectations of any, who shall be so presumptuous, as to imagine Advantages to themselves from such Methods.

* The Wisdom of your Majesty's Councils, and that Steadiness and Constancy which are inherent in your Royal Mind, joined with a Harmony which subsists between your Majesty and that powerful Republic, in Concert with which this great Transaction has been carried on, will, we trust, in due time prevail over all unreasonable Opposition : And that this may be the happy Effect of your good Offices, we beg Leave to assure your Majesty, with that Resolution and Firmness which become the Peers of *Great Britain*, on so important an Occasion, that we will cheerfully support your Majesty in all such Measures, as may be necessary for procuring the Blessings of Peace and Tranquillity, or for putting this Nation in a Condition to act that Part, which it may be incumbent on *Great Britain* to undertake.

* It is a Felicity which we ought, in a most affectionate Manner, to remember on every Occasion of approaching your Sacred Person, that your Majesty hath always esteemed the Interest of Sovereign and Subject, as mutual and inseparable ; and made the due Execution and Obedience of the Laws the Rule of your Government : As your Majesty, agreeably to your repeated Declarations from the Throne, hath invariably held this Conduct towards your Subjects, we can entertain no Doubt, but you will find the same inviolable and unshaken Fidelity, and the same Zeal for the true Honour and Happiness of your Majesty, and your Kingdoms (which can never be divided) both from your Parliament and your People.

On

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‘ On our Parts, we humbly intreat your Majesty to accept the strongest Assurances, that we are determined, by a steady Course of Loyalty and dutiful Affection to your Majesty, and a firm Perseverance in pursuing the true Interest of our Country, to convince the World, that we most seriously consider the Maintenance of our Religion and Liberties, as being absolutely involved in the Security and Support of your Majesty’s Person and Government ; and in the Preservation of the *Protestant* Succession in your Royal House ; and that it is the unalterable Purpose of our Hearts, under the Protection of the divine Providence, to transmit these invaluable Blessings safe and entire to our Posterity.’

This Address was next Day presented to his Majesty, and his Majesty returned the following Answer, *viz.*

My Lords,

The King’s Answer.

I Thank you for this loyal and affectionate Address. The Concern that you shew for the Success of my Endeavours, in Conjunction with the States General, for restoring the public Tranquillity, is very acceptable to me.

Nothing shall be wanting, on my Part, that may contribute thereto ; and the Duty and Affection of my Parliament and People, upon which I depend in all Events, will add great Weight to my Endeavours.

Speakers.

The Motion for this Address was made by the Duke of Devonshire, and seconded by the Lord Viscount Harrington.

The Amendment to the Motion was proposed by the Lord Carteret ; was opposed by the Duke of Newcastle and the Lord Hardwick ; and was supported by the Earl of Chesterfield, the Lord Bathurst, and the Earl of Strafford.

Petition of six Scottish Peers, presented by the Duke of Bedford.

ON the 13th of February, the following Petition was presented to the Right Honourable the House of Peers, by his Grace the Duke of Bedford, *viz.*

‘ To the Right Honourable the Lords spiritual and temporal in Parliament assembled: The humble Petition of James Duke of Hamilton and Brandon, Charles Duke of Queensbury and Dover, James Duke of Montrose, Thomas Earl of Dundonald, Alexander Earl of Marchmont, and John Earl of Stair,

Sheweth,

‘ THAT at the last Election of sixteen Peers, to serve in this Parliament for that Part of Great Britain called Scotland, a Majority of Votes was obtained for the Duke

of *Buccleugh*, the Duke of *Atbole*, the Marquis of *Lo-Anno* 8. Geo. II.
sbain, the Earl of *Crawford*, the Earl of *Sutherland*, the ^{1734-5.}
 Earl of *Moreton*, the Earl of *London*, the Earl of *Finlater*,
 the Earl of *Selkirk*, the Earl of *Balcarras*, the Earl
 of *Dunmore*, the Earl of *Orkney*, the Earl of *Portmore*,
 the Earl of *Hopeton*, the Earl of *Ilay*, the Lord *Cathcart* ;
 and they were accordingly returned.

Your Petitioners, however, conceive it their Duty to
 represent to your Lordships, that several undue Methods
 and illegal Practices were used towards carrying on this
 Election, and towards engaging Peers to vote for a List
 of Peers to represent the Peerage of *Scotland*, such as are
 inconsistent with the Freedom of Parliaments, dishonour-
 able to the Peerage, contrary to the Design and Intention
 of those Laws that direct the Election of the sixteen Peers
 of that Part of *Great Britain* called *Scotland*, and such
 as may prove subversive of our happy Constitution ; In-
 stances and Proofs whereof we are able to lay before your
 Lordships, in such Manner as your Lordships shall di-
 rect.

Wherefore your Petitioners humbly pray, that your
 Lordships will be pleased to take this important Affair into
 your most serious Consideration, to allow these Instances
 and Proofs to be laid before you, and to do therein as in
 your great Wisdoms shall seem most proper, to maintain
 the Dignity of the Peerage, the Freedom of the Election of
 Peers for that Part of *Great Britain* called *Scotland*, and
 to preserve the Constitution and Independency of Parlia-
 ments.

And your Petitioners shall ever pray. S. f.

Hamilton and Brandon, Dundonald,
 Queensbury and Dover, Marchmont,
 Montrose, Stair.

After this Petition was read, his Grace stood up, and First Motion
 moved for a Day to take it into Consideration ; he would upon it by the said
 not positively fix upon any Day, but he would propose that Duke.
 Day Month, and that their Lordships might order those
 Persons, by whom the Petitioners thought they could prove
 their Allegations, to attend against that Day : In this Mo-
 tion he was seconded by his Grace the Duke of *Marlbo-*
rough. ^{Seconded by the Duke of Marlborough.}

In Support of the Question it was argued by the two
 noble Dukes who made and seconded the Motion, in Sub-
 stance as follows, *viz.*

Anno 8. Geo. II,

1734-5.

Argument for it.

‘ My Lords, I take it to be a constant and a certain Maxim of this House, never to reject the Petition of any Subject, or of any Number of Subjects, unless upon the very Face of the Petition there appears to be something very frivolous or impertinent; and upon all the Petitions I have observed presented to this House, there has always been a Day assigned, either for an Answer, or for the Petitioner to prove his Allegations, according to the Nature of the Petition. If it be a Petition against any particular Person or Persons, such as Petitions of Appeal, there is then a Day appointed for the Defendants or Respondents to answer; and a Summons is directed of course to be served upon them for that End: If the Petition be to set forth any particular Grievances or Inconveniences the Petitioner labours under, and from which he desires the Aid of this House, to be relieved, such as Petitions for private Bills; the Petitioner has, in such Cases, a Day to prove the Allegations of his Petition, and for that End he has of course the Aid of this House for summoning those Persons to attend, by whom he thinks he can prove what he has in his Petition set forth: If it be a Petition complaining of public Grievances, in order to obtain a public Law for the Redress of those Grievances, the Petitioner, or Petitioners have then a Day assigned, for proving their Allegation, and they have of course the Summons, or Order of this House, commanding those Persons to attend, by whom they think they may prove the Facts or the Grievances complained of.

‘ Of this last Sort I take the Petition to be, which I have now had the Honour to present to your Lordships; and never was there, I believe, a Petition presented to this House of greater Consequence as to the Subject Matter complained of, or as to the Quality of the Petitioners. The Complaint, my Lords, is of the highest Nature imaginable: It is a Complaint that nearly concerns both the Honour and the Dignity, nay, I may say, the very Being of this House; because, if there be good Ground for the Complaint, the Constitution of this Kingdom cannot subsist, the Liberties of our Country cannot long endure, if the Grievances complain’d of be not fully and speedily redressed. Then as to the Petitioners, let us consider, my Lords, who they are: They are Men of as high Rank as any Subjects in the Kingdom; they are Noblemen of equal Quality with ourselves in every Respect, except as to Seats in this House; and that they have perhaps been deprived of, by the evil Practices of which they complain;

plain: But this they do not insist on; they do not come ^{Anno 8. Geo. II.}
 here to complain of any particular Injury done to ^{1734-5.}
 themselves; it is their Regard for the public Weal, their
 Regard for the Honour of this House, that has prevailed
 on them to become Petitioners to your Lordships.

'I shall not pretend, my Lords, to say, that the Facts
 complained of are true; That your Lordships are to de-
 termine, after a full and a strict Enquiry; but I am sure
 there is nothing frivolous or impertinent appears upon the
 Face of the Petition; and if we may judge from the
 Characters, as well as Quality of the Petitioners; if we
 may judge from common Fame and public Report; nay,
 if we may judge from some Occurrences, not a great ma-
 ny Years ago, there is Reason to believe their Complaint
 is but too well grounded. All the Petitioners we know;
 some of them have had the Honour to sit in this House;
 and while they sat here, their Behaviour was such, that
 I am persuaded none of your Lordships will think, that
 they would allow themselves to be imposed on by ridicu-
 lous Reports, or slight Surmises. I cannot therefore, in
 the least, suspect, that the Petition I have had the Ho-
 nour to present will be rejected; and for this Reason, I
 think, the only proper Motion I can make, is, to ap-
 point a Day, &c.' (as above-mentioned.)

Lord Onslow. 'My Lords, tho' it has always been the *Lord Onslow,*
 Practice of this House, to receive Petitions from any Sub-
 ject, which did not in themselves appear frivolous or im-
 pertinent; yet the Petition now presented to us is, in my
 Opinion, of such an extraordinary Nature, that it de-
 serves the most mature Deliberation: It is a Petition by
 which several Lords, who are Members of this House,
 are charged with illegal Practices; and as such a Charge
 must throw a very great Scandal upon them, I therefore
 think your Lordships ought well to consider, before you
 resolve to give it so much Countenance, as to appoint a
 Day for taking it into Consideration.'

Upon this the Lord Chancellor rose up, and acquainted *Lord Chancellor.*
 the House, 'That the Petition did not charge any Lord
 in that House with undue or illegal Practices: It contain-
 ed only a general Charge, that some such Practices had
 been made use of, at the last Election of sixteen Peers for
 Scotland, but did not say by whom.

The Earl of Cholmondeley. 'Though the Petition now *Earl of Cholmon-*
 before us, does not charge any Lord in particular with *deley.*
 1734-5. X x 2 any

Anno 8. Geo. II.

1734-5.

any undue Practices; yet it be must granted, that, in its Consequences, it will affect a good many Lords of this House; for it expressly charges, that no less than sixteen Lords of this House were chosen by such Practices, and have thereby got Seats in this House; so that by the Consequences of this Petition, every one of those sixteen may come to lose the Seats they have now the Honour to have in this House: For this Reason therefore, my Lords, as well as on account of its being a Petition of a very new and a very extraordinary Nature, I think your Lordships ought to take some Time to consider of it, before you order any Person to attend, on Account of the Matter contained in the Petition.'

Duke of Newcastle's Speech
and Motion.

The Duke of Newcastle. 'My Lords, the Petition now presented to us, is so new in its Kind, that I really do not know whether we ought to receive it; nay, I do not know if we have a Power to receive it. There was, indeed, since the Union, one Petition presented to this House, complaining of an undue Election and Return, of one of the sixteen Peers for Scotland; and this House did accordingly proceed upon the Petition, and did determine the Right of Election: But in the Petition now before us, there is no direct Complaint, either against the Election or the Return of all or any one of the sixteen Peers last chosen for Scotland; and therefore I cannot, at present, pretend to give my Opinion, how we can proceed upon it. As I have not the Journal now before me, which contains the Proceedings of this House, upon the last Petition from Scotland, I cannot tell what Method was then observed; but if I had, I doubt much if it could be of any Use, because of this Petition's being very widely different from the former: Therefore, my Lords, I must think, that the most prudent Method for us to take, is, to appoint a short Day, as short as you will, to consider of what is proper to be done, before you appoint a Day, either for entering into the Merits of the Petition, or for examining any Witnesses, in relation to the Facts therein complained of. For this Reason, I shall move your Lordships to resolve, to take this Petition into Consideration on this Day se'nnight.

Earl of Chesterfield and Lord Batbursf.

To this it was answered by the Earl of Chesterfield, and after him the Lord Batbursf, 'That as to the Petition's being, in its Nature, something new and extraordinary, it was not all to be wondered at, because the Facts complained of, were such as could be committed only since the Union

Union of the two Kingdoms. Whether any such Practices Anno 8. Geo. II.
 had been used since that Time, and before the present, they 1734-5.
 would not take upon them to determine; but if ever any
 such had been used, no Man had before had public Spirit
 enough to complain of them; and therefore they were the
 more obliged to the noble Peers who had now given
 themselves that Trouble: That to them it seemed very
 extraordinary to question, whether that House had a Power
 to examine into any Grievances that could be complained
 of by any Subject: But it appeared still more extraordinary
 to make such a Question, when the Complaint was made
 by some of their own Number, and in relation to an
 Affair, in which the Honour and Dignity of that House
 was chiefly and primarily concerned: That for this Reason
 it was not to be doubted, but that they had not only
 a Power, but that it was their Duty, to enquire into the
 Matters complained of, and to sift them to the Bottom,
 and they hoped, no Regards nor Pretences would prevent
 their doing so. However, they would, in general, agree
 with the noble Duke, as to the first appointing a short
 Day; for they did not doubt but that the more the Affair
 was considered, the more every Lord in that House
 would think himself bound, both in Honour and Duty,
 to enquire into it: But they thought the Resolution ought
 to be put in Words, different from what the noble Duke
 had been pleased to propose; and therefore they thought
 the Motion ought to be, That they would, upon that Day
 se'nnight, take into Consideration, the Methods how to
 proceed upon the Petition then presented to them.'

The Lord Chancellor. 'As to the Power or Duty of this Lord Chancellor.
 House, in relation to the Petition now before us, I cannot
 really, upon so short a Deliberation, freely declare my
 Opinion; and as there are some other Lords, who seem to
 be in great Doubt about this Question, I must think the
 Motion made by the noble Duke near me, the most proper,
 because of its being the most general; and as it does not
 determine the Question one Way or other, I cannot but
 think it quite unnecessary to make any Dispute about it,
 therefore I hope your Lordships will agree to it.'

Upon this the Question proposed by the Duke of Newcastle was agreed to without any Division; and it was accordingly resolved, That that House would, upon that Day se'nnight, take the Petition into their Consideration: After which it was ordered, that the Lords should be summoned to attend upon that Day.

Anno 8. Geo. II.

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Dukes of Athol
and Buccleugh a-
gainst the Peti-
tion.

WHEN the Order of the Day being read, his Grace the Duke of *Buccleugh* and, after him the Duke of *Athol* stood up, and took Notice, That the Petition they were then to take into their Consideration, was conceived in such general and indefinite Terms, that they could not from the Words of the Petition, determine, whether or no the Petitioners designed to controvert, or to object against the last Election of the sixteen Peers, to represent the Peerage of *Scotland* in that House; and as their Right to their Seats in that House, depended upon the Regularity of that Election, they hoped their Lordships would take Care to have that Point cleared up, before they proceeded any further upon that Petition, or at least, before they proceeded to the Examination of any Witnesses.

Motion thereon.

This brought on a Motion, ' That the Consideration of the Petition should be adjourned to a short Day, and that the Petitioners should be ordered to declare against that Day, whether they intended to controvert the last Election of all the sixteen Peers, to represent the Peerage of *Scotland* in that House, or the Election of any, and which of them.'

In support of the Motion it was argued thus.

Argument in
support of it.

' My Lords, the Petition now before us is, in my Opinion, conceived in such vague and general Terms, that it is impossible to determine, whether the late Election, with respect to all or any of the sixteen Peers last returned, is to be attacked or not; and as it is impossible to determine whether any, and what Persons are to be accused, by the Complaint exhibited to us in this Petition; so I cannot determine, and I believe no Lord in this House can, whether we are to proceed upon this Affair, in our legislative or in our judicial Capacity. If any undue or illegal Practices were made use of, in procuring the Election or the Return of all or any of the sixteen Lords from *Scotland*, now in this House, surely that Election or Return must be void, and the Peers of *Scotland* must proceed to a new Election. In this Case, your Lordships are certainly to proceed in your judicial Capacity; and as the Right of private Persons is to be brought into Question, as the Right of no less than sixteen Lords, to their Seats in this House, is to be examined into, and determined; the Affair now before us is then to be considered as a Cause, and I hope your Lordships will proceed in it with the same Justice and Impartiality, and with the same Regularity, which you ob-

serve

‘ serve in all other Causes. The sixteen noble Lords now in Anno 8. Geo. II. this House, must then be considered as the Defendants or Respondents; and I hope your Lordships will never proceed in any Cause, to examine Witnesses for the Petitioner only; if we are to examine any Witnesses against the noble Lords now in this House, I hope you will give them proper Notice, and examine likewise such Witnesses, as they may think proper for their Justification.

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‘ Tho’ I cannot, my Lords, from the Words of the Petition, determine, whether any particular Persons are to be accused, yet from the Nature of the Case, I must think, that it necessarily ends in an Accusation against particular Persons; for if there have been illegal Practices, there must have been illegal Practisers, and those Practisers must have been guilty of a very high Misdemeanor. In this Case likewise, your Lordships are to proceed in your judicial Capacity; and in that Way, I hope, you will never proceed to examine Witnesses against any Man, without having first called the Party before you, without having given him Notice of the Crimes laid to his Charge, or without giving him an Opportunity, both to cross-examine the Witnesses that are brought against him, and to bring what Witnesses he may think proper for his Vindication; so that I do not see, how you can proceed in the Affair now before you, till the Petitioners declare, whether or no they intend to challenge or impeach the Election of all or any, and whom, of the sixteen Peers last chosen, and have particularly named the Persons who were guilty of the undue and illegal Practices of which they complain.

‘ If any Suitor, in any of the Courts below, should petition this House, and complain in general of undue Methods and illegal Practices made use of in any Court below, without naming any Person, who had been guilty of those undue Methods or illegal Practices; I believe your Lordships would not so much as receive or give any Countenance to such a Petition; but in the present Case, your Lordships have received the Petition, and, in my Opinion, you are in the right, not only to receive it, but to take all proper Methods, to get at the Bottom of the Complaint, both because of the Dignity of the Petitioners, and because the Matters complained of, may affect the Honours and Dignity of this House; yet still, my Lords, I hope you will proceed in it in such a Manner, as not to do Injustice to any private Man, and so as not to load the Innocent with even the Imputation of a heavy Crime.

‘ In all Cases of Evidence, the Witnesses must be examined as to particular Facts, and likewise as to particular Persons;

Anno 8. Geo. II.

1734-5.



Persons; and those Persons, as well as Facts, the Judges must be fully informed of, before any Witnesses are brought before them to be examined. I believe, my Lords, it was never yet known, that any Court of Judicature proceeded to examine Witnesses, without having first the particular Facts laid before them, which were to be proved by the Witnesses, and like ife the Persons Names, against whom the Witnesses were to prove those Facts. This is a Rule which must be observed, in all Courts of Judicature, otherwise they can never know what they are about; and therefore, if your Lordships are to proceed upon this Affair in your judicial Capacity, which I think you must, you cannot regularly proceed to examine any Witnesses, till you know the particular Facts those Witnesses are brought to prove, and the Names of the particular Persons against whom those Facts are to be proved, without which I cannot comprehend, what Use you are to make of the Proofs, that are to be laid before you, or for what End you are to put a great many Gentlemen, and for what I know, Noblemen also, to the Expence and Trouble of coming a great many Miles to be examined as Witnesses, at the Bar of this House.

I am, my Lords, as much as any Lord in this House, for making a most strict Enquiry into the Matters complained of by the Petition now before us; and, for this Reason, I am for our taking such previous Steps, as may enable us to proceed with Certainty, Ease, and Satisfaction to ourselves, without doing an Injury to any innocent Man; for if we proceed to examine Witnesses before we have fixed upon the particular Matters, as to which those Witnesses are to be examined, I foresee that we must involve ourselves in Difficulties, which we shall find altogether inextricable; and as the Right of the sixteen noble Lords who now sit in this House, as the Representatives of the Peerage of Scotland, is the chief Thing to be considered, I think the Petitioners ought first to declare, whether or no they intend, by their Petition, to challenge or impeach that Right.

To this it was answered, in Substance as follows,
viz.

Answer.

My Lords, the Petition now before us is general, and it ought to be so: It is not a Petition relating to any private Right; it is not a Petition complaining of any private Injury; it is only in the Nature of a general Complaint against some illegal Practices, supposed to have been made
use

use of at the last Election of the sixteen Peers of *Scotland*, Anno 8. Geo. II. which the Petitioners think of the utmost Consequence, to the Honour and Dignity of this House, and to the Freedom and Independency of Parliament; these Practices, the Petitioners have got some imperfect Accounts of, and by the Accounts they have got of them, they seem to be of such a heinous Nature, and attended with such dangerous Consequences, that they, as Peers of *Great Britain*, as Subjects of a legal, and as yet free Government, thought themselves obliged to inform this House of what they had heard, and of the Witnesses by whom they think those deep and dark Practices may be made appear; well knowing, that if there were really any such Practices, the Power and the Authority of this House, if exercised as it ought to be, and, I hope, as it will be upon this Occasion, may make up the Deficiencies of the Informations they have had: As the Practices they complain of, are of the most heinous Nature, they must certain'y have been carried on in the most hidden Manner; and therefore, it cannot be supposed, that the Petitioners, or that any Man in a private Capacity, can have such a full Information of them, as to charge the Facts, or accuse the Persons particularly; but upon the Examination at the Bar of your Lordships House, of such Witnesses as they shall desire to be examined, the iniquitous Mysteries may probably come to be revealed; both the Facts and the Persons may be particularly brought to light; and then I doubt not, but your Lordships will take such Methods as the Law directs, in order to punish the Guilty, to vindicate the Honour and the Dignity of this House, and to preserve the Freedom and Independency of Parliament. This is what the Petitioners sue for, this is what the Nation expects, and I think the Petitioners have taken the most proper Way, the only Way they could take, to lay this important Affair before your Lordships.

I am surprized, my Lords, to hear it said, that the Affair now before us can, in any Light, be looked on as a Cause, or that it ought to be treated as such. Do the Petitioners come here to complain of any Violation of their own particular Rights? Do they complain of any Injury offered to them, or either of them in particular? No, my Lords, their Complaint proceeds from a more generous Motive; their Complaint is against a general Grievance; and therefore, if the Affair now before us is to be looked on as a Cause, it must be looked on as the Cause of our Country and Constitution: If any Injury has been done, it is to the Constitution that Injury has been done, and it is

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to the Constitution, that Redress must be granted; but whether that Redress must be granted, by punishing those that shall be found to be guilty, or by making a new Law to prevent such Practices in Time to come, or by both, is what cannot now be determined.

I shall readily agree, my Lords, that if there were any illegal Practices, there must have been illegal Practisers; but till you come to examine Witnesses, you can discover neither; and even after you have examined all the Witnesses you can, after having made as strict an Enquiry as possible, the Practices may have been carried on in such a hidden and such a subtil Manner, that even your Lordships may not be able to fix them upon any particular Person, tho' at the same Time, it may appear evident, that some illegal Practices have been made use of: In such a Case, what are your Lordships to do? Surely you are not to leave the Honour of this House, and the very Being of our Constitution, exposed to the same illegal Practices at the next Election? You are not to neglect to repair a Breach made in your House, because you cannot discover the Thieves that made it. You are certainly, in such a Case, to contrive and pass some proper Law for preventing such Practices for the future. But on the other Hand, if the Practisers, as well as the Practices, should luckily be discovered by the Enquiry your Lordships are to make, you will then certainly order a Prosecution to be carried on against the Persons found or suspected to be guilty; those Persons will then become Defendants, not to this Petition, but to the Prosecution that shall then be ordered against them; and upon that Prosecution they must of course have an Opportunity to bring Witnesses in their own Justification, and to cross-examine such Witnesses as shall then be brought against them.

As to the Right of the sixteen noble Lords, who have now the Honour to have Seats in this House, I hope it will not be impeached by any Proof that can be brought on this Occasion, and therefore I wonder that any of them should shew the least Jealousy or Apprehension of any such Event; but suppose, my Lords, that, in examining the Witnesses that are to be brought before you, some Things should appear that might tend towards invalidating the last Election, and consequently, their present Right to their Seats in this House; surely, your Lordships will not, upon such an Examination, immediately proceed to declare the late Election void. You must then of Course appoint a Day to examine into the Merits of the late Election, and then, and not till then, the noble Lords

who

who are now in this House by virtue of that Election, Anno 8. Geo. II.

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will become Defendants, not to this Petition, but to the Enquiry that shall then be ordered into the Merits of their Election; and upon that Occasion your Lordships will certainly proceed with your usual Justice, and consequently will give them all the Time and Opportunity they can desire for defending their Right, either by employing Counsel to plead for them, by bringing such Witnesses as they may think proper for supporting their Election, or by cross-examining all or any of the Witnesses that shall be brought against them; for the Witnesses who are examined upon this Petition, must be all re-examined, when your Lordships come to enquire into the Merits of the late Election, if it shall become necessary, which I hope it will not, for this House to make any such Enquiry.

I cannot pretend, my Lords, to any great Knowledge in the Law, and much less to a thorough Knowledge of the Forms of *Westminster-hall*; but I must say, and I am sorry to say, that I think your Lordships are, upon this important Occasion, falling too much into the Forms of the Courts below: It is well known, that a great Part of their Time is taken up in debating and arguing about the Forms and Methods of proceeding, by which the principal Affair in Dispute is often delayed, and not seldom entirely dropt; and the Debate we are now on, I must consider as a Debate of the same Nature. This is not your Lordships usual Way of proceeding; and when an Affair is brought before you, which directly and immediately concerns the Honour and Dignity of this House, I am surprised to hear any Debate about the Methods how we shall proceed to enquire into it; and I am still more surprised to hear it said, that we must never examine any Witnesses, unless we first know the particular Facts to which they are to be examined: This would be, indeed, tying us down to Forms in the strictest Manner; nay, in a more strict Manner, in my Opinion, than any Court of common Law; for I think I have heard of a Form or Method of proceeding in those Courts, which they call pleading the general Issue, and giving the special Matter in Evidence; in which Case, if I am rightly informed, none of the particular Facts, to which the Witnesses are to be examined, are laid before the Court, nor does the Court know any thing of the Questions that are to be put to them, till they come to be examined, and then only the Court is to judge, whether the Question that is put, has any Relation to the general Issue then before the Court:

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Anno 8. Geo. II.

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‘ But as the Affair now before us is no Trial, as this House
 ‘ was never supposed to be confined to the Rules or the
 ‘ Forms of inferior Courts, and as I am very little conversant
 ‘ in such Forms, I shall say no more upon this Subject.

‘ But, my Lords, tho’ I am very little acquainted with
 ‘ the Forms, or the Manner of proceeding in the Courts
 ‘ below, yet I hope I know something of the Methods of
 ‘ proceeding, as well as of the Power and Authority of
 ‘ this House; and therefore I am not a little surprized at
 ‘ the Motion made to us; for I cannot comprehend the End
 ‘ for which it is designed, or the Purpose it can serve: That
 ‘ the Petitioners should declare, whether or no they intend
 ‘ to challenge or impeach the Election of all or any, and
 ‘ which of the sixteen Peers last chosen: For God’s Sake,
 ‘ my Lords, What will this Declaration, when made, signify?
 ‘ Is this House to be confined, or any Way restrained
 ‘ by any Declaration the Petitioners can make? Suppose
 ‘ they should declare, that they do not intend to challenge
 ‘ or impeach the Election of all or any of the sixteen Peers
 ‘ last chosen: Are we, when we come to examine Witnesses
 ‘ upon this Petition, to be told, you must not ask such a
 ‘ Question, or such a Question, because by the Answer to
 ‘ that Question, the Election of the sixteen Peers last chosen,
 ‘ or of some of them, may be brought into Dispute, or impeached?
 ‘ Surely, it is not intended that we should be in
 ‘ this Manner confined, by any Declaration the Petitioners
 ‘ can make; and if we do examine Witnesses upon this
 ‘ Petition, with a full Liberty to ask all such Questions as
 ‘ may tend towards discovering any illegal Practices that
 ‘ may have been made use of; suppose upon that Examination,
 ‘ such Facts, such Practices should appear, as must evidently
 ‘ tend towards rendering the late Election void,
 ‘ Is this House to be circumscribed by any Declaration
 ‘ the Petitioners can make, so as that it shall not be in our
 ‘ Power to proceed in a regular Way to declare that Election
 ‘ void? I hope, my Lords, no such Thing will be pretended;
 ‘ and therefore, as such a Declaration, when obtained,
 ‘ can signify nothing, I hope an Affair of so much
 ‘ Consequence to the Honour and Dignity of this House,
 ‘ and to the Freedom and Independency of Parliament,
 ‘ will not be delayed upon that Account.

To this it was said, by way of Reply.

Reply.

‘ That they would readily grant, that that House was
 ‘ not to be circumscribed, or any way interrupted or
 ‘ con-

‘ confined by any Declaration the Petitioners could make ; Anno 8. Geo. II.
 ‘ but as such a Declaration could do no Harm, or any Way 1734-5.
 ‘ retard the Enquiry their Lordships were to make, and as
 ‘ it would be a Satisfaction to the sixteen noble Lords then
 ‘ in that House from *Scotland*, and had been expressly desired
 ‘ by some of them, they hoped the House would agree to
 ‘ the Motion, especially as it could not occasion any great
 ‘ Delay, because the Petitioners could, in a very short Time,
 ‘ or perhaps, immediately, make such a Declaration as was
 ‘ desired ; and therefore they would move, that the farther
 ‘ Consideration of the Petition should be adjourned but till
 ‘ next Day, and that the Petitioners should against that
 ‘ Time declare, whether or no they intended by their Pe-
 ‘ tition, to controvert the Election of all or any, and which
 ‘ of the sixteen Peers last chosen, to represent the Peerage
 ‘ of *Scotland* in that House.’

Any farther Reply in this Affair was prevented, by the Duke of *Bedford*
 Duke of *Bedford*’s standing up and acquainting the House, offers a Declara-
 ‘ That, since the Beginning of that Debate, he had been tion from the Pe-
 ‘ with the Petitioners, and that they had empowered him tioners.
 ‘ to make the Declaration proposed, and that, for his great-
 ‘ er Security, he had taken it down from the Petitioners in
 ‘ Writing, which, if their Lordships pleased, he would read
 ‘ to them ; so that there was no Occasion to adjourn the
 ‘ Consideration of the Affair one Moment on that Ac-
 ‘ count.’

This occasioned a new Debate, in which the Lord Ba- Debates thereon,
thurst, the Earl of *Chesterfield*, and the Earl of *Abingdon* Lord *Bathurst*,
 insisted, ‘ That the Declaration, as proposed by the noble Earls of *Chester-*
 ‘ Duke, was sufficient ; and that the Order proposed might *field* and *Abing-*
 ‘ be entered in their Journals ; after which it might be en- *den*.
 ‘ tered, that in Pursuance of the said Order, the Duke of
 ‘ *Bedford* stood up, and, by virtue of a Power from the
 ‘ Petitioners, and in their Names, made the following De-
 ‘ claration ; and then enter the Declaration proposed to be
 ‘ made by the noble Duke : This, they said, they thought
 ‘ the House could not well refuse, because the Refusal would
 ‘ really look something like doubting the Honour of the
 ‘ noble Duke, for whom, they were persuaded, every
 ‘ Lord there had the greatest Esteem ; it would look like
 ‘ doubting, whether he had a sufficient Authority to make
 ‘ such a Declaration, after he had declared he had Autho-
 ‘ rity for so doing.’ This was opposed by the Lord *Hard-* Lord *Hardwick*.
wick, and the Duke of *Newcastle*, ‘ who professed the Duke of *New-*
 ‘ greatest Esteem for the noble Duke, but they did not *castles*.
 ‘ think

Anno 8. Geo. II. ' think it would be regular to receive a Declaration in that

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' Manner, in an Affair of so very great Importance;' and at last the Lord Chancellor having declared, ' That he did not in the least doubt the Honour of the noble Duke, nor his having a sufficient Authority for what he proposed, yet as the Affair had been brought before them by a Petition signed by the six noble Peers, he thought the most proper and the most regular Way would be, to have the Declaration proposed signed by them likewise; and as it would occasion a Delay but of one Day only, he hoped the House would agree to it.'

Division.

Upon this, the Question was put for adjourning the Consideration of the Petition till next Day, which, upon a Division, was carried in the Affirmative, without Proxies, by 90 to 51.

The Question was next put upon the Motion above-mentioned, which was agreed to without a Division.

Earl of Abingdon.

After this it was proposed to adjourn, but the Earl of *Abingdon* stood up and said, ' That as their Lordships had already gone a little into the Forms of *Westminster-Hall*, he hoped they would go a little farther: They had made an Order, and, he believed, they intended the Petitioners should comply with that Order; therefore he thought they ought to take some Method to give the Petitioners Notice of the Order they had made.'

Earl of Cholmondeley.

Upon this the Earl of *Cholmondeley* said, ' That he thought there was no Necessity for any such Notice, because the Orders of that House, like Acts of Parliament, stood in no Need of any Notification or Publication; they published themselves, and the Parties concerned were obliged to take Notice of them.' But the Lord *Bathurst* shewed,

Lord Bathurst.

' That no such Thing was to be presumed, as appeared by their constant Practice in all Causes; and as some Lords seemed to be fond of looking upon the Affair then before them as a Cause, therefore he would move, That the Lord Chancellor should be directed to write Letters to the Petitioners, giving them Notice of the Order their Lordships had made.'

Lord Chancellor.

The Lord Chancellor said, ' That he should be ready to follow their Lordships Directions, but desired to know, if he should write one Letter to the Petitioners jointly, or a particular Letter to each of them separately;' and some Lords having proposed one Letter to the Petitioners jointly,

Earl of Abingdon, the Earl of *Abingdon* stood up, and said, ' That he did not, before

fore that Time know, that the Petitioners were a Corporation, which their Lordships seemed inclined to make them, by proposing to send a Letter to them jointly; whereupon it was agreed, that a separate Letter should be sent to each; and Directions were given to the Lord Chancellor accordingly.

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The Motion for the Declaration above-mentioned, was made by the Lord *Hardwick*, and supported by the Earl of *Chelmsdaley*, and the Lord *Hervey*; and it was opposed by the Duke of *Bedford*, the Earl of *Strafford*, and the Earl of *Abingdon*.

Next Day, the Order of the House being read, for taking this Petition into Consideration, the Lord Chancellor acquainted the House, 'That two of the noble Lords, the Petitioners, had been with him, and had brought him a Declaration in Writing, signed by every one of them, in Obedience to their Lordships Order the Day before,' which Declaration was read to the House, and was as follows, *viz.*

IN consequence of your Lordships Order of Yesterday, The Petitioners signified to us by the Right Honourable the Lord High Chancellor, We your Lordships Petitioners do declare, that, by our Petition, we did not, nor do intend to controvert the Election or Return of the sixteen Peers for *Scotland*, mentioned in our said Petition, or any of them: But we intended, as we thought it our Duty, to lay before your Lordships, the Evidence of such Facts and undue Methods, mentioned in general in our said Petition, as appeared to us to be dangerous to the Constitution, and may, in future Elections, equally affect the Right of the present sixteen Peers, as that of the other Peers of *Scotland*, if a proper Remedy be not found out; as we had before empowered his Grace the Duke of *Bedford* to inform your Lordships.

*Hamilton and Brandon, Dundonald,
Queensbury and Dover, Marchmont,
Montrose, Stair.*

After the reading of this Declaration, a Motion was made, To adjourn the farther Consideration of the Petition till that Day seven-night, and that the Petitioners might be ordered to lay before the House, against that Day, in Writing, Instances of those undue Methods and illegal Practices upon which they intended to proceed, and the Names of the Persons they suspected to be guilty of such undue Methods and illegal Practices.

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The Argument in Favour of this Motion, was in Substance thus :

Argument for it.

‘ My Lords, when I first heard this Petition read, I was of Opinion with other Lords, that it was conceived in such general and indefinite Terms, that it was impossible for this House to proceed upon it, without involving ourselves in Difficulties which we should find insuperable ; but now, that I have heard this Declaration read, I am farther at a Loss than ever, to know what is meant or intended by the Petition. When I first heard it read, I did, indeed, imagine that the noble Lords the Petitioners, did intend to impeach the last Election of the sixteen Peers, chosen to represent the Peerage of *Scotland* in this House ; and as the Right of those Lords was to be impeached, I thought it was reasonable, that the Design and Intention of the Petitioners should be expressed in clear and distinct Terms, therefore I was for their making such a Declaration as was then ordered : But by their Declaration, now read to us, I find they have no such Design or Intention ; so that I really cannot now comprehend, or so much as guess at what they would have us to do upon the Petition they have presented, unless their Design be to impeach or accuse some particular Persons of Crimes, which I take to be of a very high Nature ; and if that be their Intention, surely the Persons Names they design to impeach, ought to be particularly expressed, and those Persons ought to be informed of the particular Crimes which are laid to their Charge.

‘ An Accusation is not, it is true, a Condemnation ; but, my Lords, it must be granted, that a Man’s Character suffers even by an Accusation ; and tho’ he may be afterwards, upon a full and impartial Trial, acquitted, yet it seldom happens, that the Scandal thrown upon his Name by the Accusation, is entirely wiped off by his being acquitted ; and in the mean time, during the whole Time that intervenes between his Accusation and his Trial, he labours under an Imputation, which your Lordships must allow to be a very great Misfortune. It is certain, my Lords, that every Man ought to have a very great Regard to his Honour and his Character in the World ; it is what the meanest Creature in Life ought to be extremely jealous of, and much more those, who, by their Birth and their Fortune, are placed in a superior Station ; and therefore I hope your Lordships will always be cautious of going in rashly to any Measure, by which the Characters of private Men may be very much injured. In the present Case, I think,

‘ it

it is evident, that the Characters of some private Men must be attacked, by any Proof that can be laid before you in relation to this Affair: The Characters of some Men must suffer, and those not of mean Rank in the World; they must be Persons in eminent Stations: Therefore I hope your Lordships will not, upon general Suggestions, and without any determinate Aim or Design, proceed to examine Witnesses in a Case, where the Characters of particular Men, the Characters of Men eminent in their Stations, will certainly be greatly injured.

It is a Maxim, my Lords, established by the Reason of Things, as well as by the Practice, I believe, of all the Judicatures in the World, never to examine any Witness, when by such Examination a private Man's Character may be blasted, without giving that Man an Opportunity, at the same Time, to vindicate his Character against any Aspersions that may be thrown upon it by that Examination: In such a Case it is not sufficient to say; that the Man whose Character has been blasted, shall afterwards have an Opportunity to vindicate it, by being brought to a fair and impartial Trial; for, in the mean time, he must labour under an Imputation, and it is a Misfortune for a Man to be exposed to any scandalous Imputation for a Day, nay, for a Moment: There may, perhaps, be a real, an honest Intention, to afford him a speedy Opportunity for his Justification; but that Intention may be disappointed, he may die in the mean Time, and then his Memory will be loaded with that Imputation for ever; some of the Witnesses, by whom he might have cleared up his Character, may die in the mean Time, or may depart out of the Kingdom; many other Accidents may happen, which may put it entirely out of his Power to vindicate himself, tho' he be altogether innocent of what has been laid to his Charge; and therefore it is absolutely necessary to give a Man an Opportunity of vindicating himself, at the same Time and in the same Manner he is accused.

Another Maxim, my Lords, as reasonable, and as uniformly observed, is, that no Witnesses are ever to be examined against any Man, without giving him an Opportunity to be present, to cross-examine the Witnesses, and to take Care that no leading Questions may be put to them; for when Witnesses are examined, *ex parte*, they may vent their Spleen, or satiate their Revenge against private Men, by swearing falsely against them, with much more Ease than when examined in Presence of the Party accused, and cross-questioned upon every Fact and every Circumstance they relate; a Fact may appear criminal by their general and

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confused Way of relating it, which would have appeared quite otherwise if the Party had been present, in order to put the proper Questions for making them explain themselves; and by artful leading Questions, they may be induced to affirm Things as consisting with their Knowledge, which they would never have affirmed or perhaps mentioned, if the Party accused had been present, to prevent any such leading Questions being put to them; and in this last Case the Danger and the Inconvenience is the greater, that when a Man is induced to affirm any Thing for Truth upon Oath, even tho' it be, perhaps, by way of Information or Preparation for a Trial, yet when the Trial comes on, and that Man is again examined, as a Witness against the Prisoner or Party accused, he thinks himself in Honour obliged to stand by and confirm what he has before been induced to declare upon Oath, and against that Time will very probably be so well prepared, that it will be impossible to discover his Perjury by any cross Question: Thus, my Lords, it must appear to be extremely dangerous to examine Witnesses in any Case, where a Man's Character may be brought in question, without having him present at such Examination; but to examine Witnesses without knowing what, or against whom you are to examine them, especially in a Case where the Characters of Men of the highest Stations may very probably be attacked, is, in my Opinion, a Method of proceeding not only dangerous, but altogether unprecedented.

I shall not pretend, my Lords, to be a great Master of Precedents; but I do not remember to have heard that there was ever such a general Accusation brought into this House as the present. Even in Impeachments, in Acts of Attainder, and all the parliamentary Proceedings I have ever heard of, some particular Facts are always charged, and those Facts are likewise charged against particular Persons. I do not know that there was ever any Complaint made to this House, of illegal Practices in general, without mentioning so much as one particular Fact, or one particular Person: But that we must find out the particular Facts, as well as the particular Persons guilty of those Facts; and that we must, for that Purpose, enter into a long Examination of Witnesses, and put People to the Trouble and the Expence of coming, perhaps, from the remotest Parts of his Majesty's Dominions, to be examined about we know not what, and against we know not whom; this ought not, I think, to be done. I shall always be ready to agree, to hear the Complaints of any Subject, when made in any proper Way, and much more the Complaint

' complaint of the Petitioners, for all of whom I have so great Anno 8. Geo. II.
 ' an Esteem : But let them point out to us, some way or 1734-5.
 ' another, of what and against whom they complain: Let
 ' us but know what they complain of, and the Persons they
 ' suppose to have been guilty of those Facts ; and I shall be
 ' most ready and willing to enter into any Method for giv-
 ' ing them Redress.

' There might, my Lords, be some Excuse for the Gene-
 ' rality and Indefiniteness of the Complaint now before us,
 ' if it could be said, that it was not possible for the Petiti-
 ' oners to be more particular ; but from the very Petition
 ' they have presented, the contrary appears ; for though
 ' they complain of illegal Practices in general, yet they af-
 ' terwards say, they are ready to lay Instances of these
 ' Practices before us : It was therefore in their Power to
 ' have mentioned those Instances in the Body of their Pe-
 ' tition ; and surely they may still, whenever they please,
 ' give us an Account of them, and of the Persons that
 ' were guilty ; for if they know the particular Facts, they
 ' must know the particular Persons ; and therefore they not
 ' only can, but may easily comply with the Motion now
 ' made to us : It is what they may do, and certainly is
 ' what they ought to do, and what is absolutely necessary
 ' for this House to have done, before we can proceed to
 ' examine into the Complaint now before us : Upon this
 ' Occasion, and indeed upon every Occasion, we ought to
 ' remember the Motto of the great Hall of Justice below,
 ' *Audi alteram partem*. Let us hear the Defendants ; let us
 ' hear those against whom the Complaint is made : But how
 ' can we hear them, unless we know who they are ?

' In all Causes, in all Trials, and in all Courts, the Ex-
 ' amination of Witnesses is always the last thing that is
 ' done. The Party complaining is heard in Support of the
 ' Charge, and then the Court hears what the Defendant
 ' has to say against it, or in his own Justification, before
 ' they ever proceed to examine the Witnesses of either Side :
 ' And in all the Courts I have ever heard of, except a Court
 ' which is called an Ecclesiastical Court, but is one of the
 ' most unchristian Courts that was ever set up in the World,
 ' I mean the Court of Inquisition, the Witnesses are al-
 ' ways examined in the Presence of both Parties ; but if we
 ' should proceed to examine Witnesses upon this Petition,
 ' as it now stands, and without any more particular Infor-
 ' mation, we should be still worse than the Inquisition ; for
 ' it would be entering upon, and carrying on a Trial, be-
 ' fore we so much as knew, or had ever heard of the Per-
 ' sons that were to be tried. As I am convinced, there is

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no Lord in this House that desires ever to see a Court of Inquisition set up in this Kingdom, and much less that this House should ever, in any of its Proceedings, imitate that tyrannical Court, therefore I make no doubt of your Lordships agreeing to the Motion now before us.

To this it was answered in Substance as follows, *viz.*

Answer.

I must own, my Lords, I am very much surpris'd at the Motion now made to your Lordships, and I think I have much more Reason to be at a Loss to know the true Design of this Motion, than the noble Duke who made it can have, for his being at a Loss to know the true Design of the Petition. The true Design of the Petition, my Lords, is in itself clearly express'd, and the Desire of the Petition is what this House not only may, but ought to comply with: But by this Motion the Petitioners are desired, to do what evidently appears to be impossible for them to comply with; and I hope the noble Duke does no way intend what may be inferred from such a Demand. The Petitioners may probably have heard of some of those undue and illegal Methods, that were practis'd at the last Election of Peers in Scotland, but it is impossible they should know them all, or all that may be made appear by an Examination of the proper Witnesses at the Bar of this House; and as to the principal Persons concerned in those Practices, against whom your Lordships Enquiry is, without doubt, to be chiefly directed, it is absolutely impossible the Petitioners should know any thing about them, at least not so much as to give them a sufficient ground to name them to this House.

To mention in any Resolution of this House, or to talk of the Petitioners proceeding upon any Instances, or against any Persons, is what is most irregular and most improper: It is, my Lords, to suppose, that the Petitioners are Prosecutors; whereas it appears plainly, by their Petition, that, their only Intention was to give your Lordships Notice, that some dangerous Practices have lately been made use of, and to contribute as much as they could, to put you in a way of getting a full Information, in relation to those Practices. When you have got this Information, it is not the Petitioners that are to proceed, it is this House that is to proceed against the Persons who shall appear to have been guilty of such Practices. The Petitioners only propose to lay some Facts before your Lordships, which they take to be of dangerous Consequence to the Honour of this House, and to the Freedom of Parliament; and which, they think, ought to be

be prevented in time to come. Their Petition is therefore Anno 3. Geo II.
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in the Nature of a Petition against a general Grievance,
which they desire your Lordships to enquire into, and to
provide such Remedy as you shall think necessary. In such
a Case, is it proper to talk of their proceeding upon any
Facts, or against any Persons? Is it to be supposed that ei-
ther they, or this House, can yet know, whether any
Persons are to be, or ought to be proceeded against?

Upon Examination of the Witnesses, whom the Petiti-
oners are to point out to you, it may appear evident,
that some Practices have been made use of, which ought to
be prevented by some new Law or Regulation; and yet,
my Lords, that Proof may be such, as not to lay a sufficient
Foundation for prosecuting any particular Person: It can-
not therefore be in their Power to name the Persons; but
suppose it were, are we to put off an Affair which con-
cerns the Honour of this House as much as it does the
Petitioners, because they have not named, and perhaps
will not name the Persons guilty? Suppose, my Lords,
we should get Information, that several Barrels of Gun-
powder had been placed under this House, in order to
blow us up; would it not be very odd in us, to put off
going to search for, or remove the Gun-powder till we
should be informed by what Means, at what Time, and
by whom the Powder was placed there? The Case before
us is the very same; there is a sort of metaphorical Gun-
powder placed under this House, which will, in Time,
blow us up, if it be not removed; and in such a Case,
are we to trifle away our Time in Enquiries after the Names
of the Persons who placed it there, and the Methods by
which it was conveyed?

I shall readily grant, my Lords, that a Man's Charac-
ter suffers a little even by an Accusation; but is not this
the very Reason why the Laws of this Kingdom do not
allow any Man to be accused, but upon the Oath of some
Person or another? And is not this the strongest Reason
that can be given, is it not a most convincing Reason, for
our not complying with the Motion made to us? Nay,
does it not shew, that the Petitioners would have acted
contrary to the Spirit, and to the whole Tenour of the
Laws of this Kingdom, if they had named any Person?
And shall we, by any Resolution of this House, overturn
that which has been the established Maxim of our Law for
so many Ages? It is true, the most innocent Man must lie
under an Imputation, from the Time of his being accused,
to the Time of his being tried; and if any Person's Name
shall be mentioned upon the Examination of Witnesses, as
having

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having been guilty of some of the illegal Practices complained of, he will certainly lie under an Imputation, from that Time to the Time of his being brought to his Trial: But does not the same Inconvenience accrue from what is now demanded? If the Petitioners should name any Person as guilty, it will bring as great an Imputation upon him, as if he had been named by a Witness upon Oath at your Bar, and that Imputation he must lie under, till he can be cleared by a fair and impartial Trial: The Imputation will be the same; and I am sure it will be much longer before a Man can be brought to his Trial, after being named by the Petitioners, than after being named by Witnesses examined upon a regular Enquiry. Let the guilty Persons then be who they will, let them be Men in a high or a low Station in Life, it will be as inconvenient for them to have their Names declared by the Petitioners, as to have their Names mentioned by Witnesses, upon any Enquiry your Lordships are to make; and it is certainly much more consonant to our Laws, not to have any Man's Name mentioned, till it is mentioned by a Witness upon Oath, when examined upon a regular Enquiry into the Facts complained of.

That it is a Maxim established, either by the Reason of Things, or by the Practice of any Court of Judicature in the World, never to examine Witnesses, without giving the Man, who is or may be accused by such Examination, an Opportunity, at the same Time, to vindicate his Character, or to cross-examine the Witnesses, is what I cannot agree to: On the contrary, my Lords, I take it to be a Maxim established, both by the Reason of Things, and by the Practice of every Court of Judicature in the World, that it is proper to enquire into Facts by the Examination of Witnesses, in order to find out the Persons that ought to be accused, or to learn how to proceed against those that are; and at such Examinations, the Parties who are or may be accused, are never allowed to be present, nor have they ever the least Notice given them, that Witnesses are to be examined, as to Facts by which their Characters may be blasted. That this is the Practice in this Kingdom, from the highest Court of Judicature to the lowest, is beyond Contradiction. Does not this House, as well as the other, sometimes upon meer Suggestions, nay upon common Fame, enquire into Crimes of the highest Nature, and in which it may be supposed, that Persons in the most elevated Stations have been concerned? Have not Committees often been named for such Purposes? And do not these Committees always examine Witnesses, with-

out

out giving an Opportunity to the Persons, who are, or Anno 8. Geo. II.
 may be accused, to vindicate their Characters at the same
 Time, or to cross-examine those Witnesses, by whom not
 only their Characters may be blasted, but their Lives and
 Fortunes brought into Danger ? And with respect to in-
 ferior Courts, is it not the constant and well-known Prac-
 tice, to examine Witnesses before Grand Juries, in order
 to the finding of Bills of Indictment, without allowing
 the Party accused to be present, or giving him any No-
 tice, that Witnesses are to be examined against him ? Nay,
 even Justices of Peace, do not they always examine Wit-
 nesses upon Oath, before they grant any Warrant ? And
 is the Party against whom the Warrant is to be granted,
 ever present at such Examination, or has he any Notice,
 that Witnesses are to be examined against him ? It is there-
 fore certain, that in this Nation it has been, and still is,
 the general and constant Practice to enquire into Crimes of
 all Kinds, by the Examination of Witnesses, without giv-
 ing any Notice to the Party that is or may be accused, or
 giving him any Opportunity at that Time, either to vin-
 dicate his Character, or to cross-examine the Witnesses ;
 and that this Practice is not attended with any Inconve-
 nience, I need not endeavour to prove by Arguments ;
 for, the long Continuance of it, is a better Argument than
 any other that can be brought.

How this Petition, my Lords, can be considered as an
 Accusation, I cannot imagine ; and if it were, I can as
 little imagine, how it can be looked on as the most ge-
 neral Accusation that was ever brought into this House. I
 shall not call it an Accusation, I must call it a Réprésen-
 tation of a Grievance, which, I think, ought to be reme-
 died ; and that Grievance is very particularly set forth,
 both as to the Nature of it, and as to the Time of its hap-
 pening ; nay, the Petitioners go farther ; they say they are
 ready to lay particular Instances before us, in that Way,
 which I take to be the only proper Way of laying Facts
 before any Court of Judicature, that is, by the Deposi-
 tions of Witnesses. I am surprised to hear it said, that
 in Impeachments, in Acts of Attainder, and in all parli-
 amentary Proceedings, particular Facts are always charged,
 and those Facts charged against particular Persons : Your
 Lordships must all know, that Impeachments and Acts of
 Attainder are generally grounded upon an Enquiry, made
 by this or the other House of Parliament : It is true, when
 the Affair comes the Length of an actual Impeachment,
 or a Bill of Attainder, particular Facts are then charged,
 and those Facts are charged upon particular Persons ; but
 most

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most of those Enquiries, which have been the first Steps towards an Impeachment, or Bill of Attainder, have proceeded upon general Surmises, some of them upon common Fame only, and some of them upon a Motion unsupported by any Charge, either general or particular.

‘ In the other House, my Lords, it is very well known, that upon the most general Suggestions of any Crime or Misdemeanor, a Committee is always named to enquire into the Affair complained of, and that Committee is always empowered to send for Persons, Papers and Records; Witnesses are examined, and the whole Proofs that can be collected, either from Persons, Papers or Records, are taken by that Committee, before any particular Fact has ever been mentioned, or any particular Person named to the House: Neither the House, nor any Person breathing, besides those of the Committee, hears a Word of the particular Facts, or the Name of any particular Person mentioned, till that Committee comes to make their Report. This is directly the Case of the Petition now before us: It is far from being too general for the Foundation of an Enquiry; on the contrary, we are in Honour, in Duty to our Country, obliged to take it as such, and that Enquiry may be the Foundation of an Impeachment; but this is what neither this House nor the Petitioners can as yet tell. Tho’ the Petitioners have not at present the Honour to be Members of this House, yet in every other Respect, they are all Peers of *Great Britain* as much as any of us: If it had not been so, if they had not been Peers of *Great Britain*, the proper Place for them to have applied to, would have been to the other House, and it is certain the other House would have immediately appointed a Committee, to have received the Instances and Proofs, now offered to be laid before your Lordships; there would not, there, I believe, have been such Regard shewn to the Characters of those who might suffer by those Proofs: And shall the Petitioners, my Lords, be the worse for being Peers of *Great Britain*? I hope not; but if this Motion prevails, I am sure it may with Justice be said, they have the *Misfortune* to be Peers of *Great Britain*.

‘ That there have been many parliamentary Enquiries without any particular Charge, and without any particular Person’s being named, is beyond Dispute; but even in our inferior Courts, do not we know, my Lords, that Grand Juries often present Nufances in general Terms, and without mentioning any particular Fact, or any particular Person? and do not these Courts often proceed, to enquire into the Nufance so presented, in order to find out and punish

* punish the Persons that have been guilty of it: And in
 * any Court of Law, if a Petition should be presented by any
 * Number of Suitors, Men of Character, whose Judgment
 * and Veracity the Court could depend on, complaining
 * in general of Abuses committed in any Branch of Practice,
 * and desiring that the Court would examine into, and en-
 * deavour to prevent such Abuses for the future, either by
 * punishing the Persons who might appear to be guilty, or
 * by making some new Regulation; if that Court should re-
 * ject such a Petition, and neglect or refuse to make any
 * Enquiry into the Branch of Practice complained of, I should
 * conclude that the Judges were more intent upon screening
 * their Officers, than upon doing Justice to the Subject: Nay,
 * I should readily believe, that even the Judges themselves
 * were Partakers in the Frauds and Extortions committed by
 * their Officers.

* The reverend Prelate, who was pleased to mention the
 * Court of Inquisition, has a mind, it seems, to soften as
 * much as he can the Methods of proceeding in that terrible
 * Tribunal, when he compares them to the Method pro-
 * posed to be followed upon the Petition now before us:
 * The Method now proposed is, first to enquire into those
 * illegal Practices suspected to have been made use of; and
 * if, upon that Enquiry, it should appear, that any particu-
 * lar Persons have been guilty of Practices, for which they
 * ought to be punished, to be sure some noble Lord in this
 * House will stand up, in his Place, and impeach the Per-
 * sons against whom any Suspicions of Guilt shall, upon that
 * Enquiry, appear; or this House will, at a Conference,
 * communicate to the other House, the Discoveries made
 * upon such Enquiry, and, upon that, the other House will
 * become the Prosecutors: In either Case, the Persons ac-
 * cused will be brought to an open, a fair, and an impartial
 * Trial, they will know their Prosecutors, and will have an
 * Opportunity to cross-examine the Witnesses that are brought
 * against them, and to bring Witnesses, or what other Proofs
 * they may think proper for their Vindication: This, my
 * Lords, is the regular and constant Method of proceeding
 * in Parliament upon all such Occasions, and the Method
 * established by our Ancestors, for preserving the People
 * from Oppression and arbitrary Power; but the Method of
 * proceeding in the Inquisition, and the Design of such Pro-
 * ceedings are very different: There, the Party accused is
 * condemned without any open or fair Trial, and he is ne-
 * ver allowed to know either his Prosecutors, or the Wit-
 * nesses against him, nor is he allowed to bring any Proof
 * of his Innocence; nay, he does not so much as know the

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Crime he is accused of, till the Sentence comes to be executed upon him : This is the Method of proceeding in that tyrannical Court, and the Design or Aim of all their Proceedings is to support the arbitrary Power of their Master, the Pope of *Rome*. The Methods of proceeding in this House was never yet applied to the Support of any arbitrary Power, spiritual or temporal, and as little will they, I hope, be ever applied to the screening of Oppressors or Criminals, let their Quality, let their Station in Life be what it will ; for if the Methods of proceeding in this House should once come to be applied to the screening or protecting of high Criminals, the next Step will certainly be, to make use of this House only for the Support of Oppression, and for sharpening the Edge of arbitrary Power.

The Petitioners may, and certainly do, know some Instances of the illegal Practices complained of, but that they know them all is not to be presumed : All that they can know, must proceed from Accounts given voluntarily and freely by some particular Men, and it cannot be supposed that those Men knew a great deal ; but, by the Authority of this House, others may be compelled to give a full Account of what they know, even some of the Under-Agents, entrusted and employed in those Practices, may be examined, and from them we may expect a fuller Information, than from any of those who were never let much into the Secret. It cannot, therefore, be supposed, that the Petitioners can give us many Instances of the illegal Practices they complain of, or a full Account of any of them ; and whatever Accounts they may be able to give us, they have certainly proposed the most proper Method for giving them : The most proper Method of laying an Account of any Fact before this House, or before any Court of Judicature, is certainly to do it by Witnesses upon Oath ; and if the Petitioners had chosen any other Method, if they had in their Petition given us long Accounts of particular Facts, I am very well convinced, it would then have been represented as an illegal and unprecedented Method of laying Facts before this House ; nay, I do not know but the Petition would have been complained of, and perhaps rejected, as a scandalous and impertinent Petition.

But, my Lords, because the Petitioners know some Instances of the illegal Practices complained of, to conclude from thence, that they must certainly know the principal Persons guilty, is, I think, very odd. I cannot pretend to know any thing of the Practices made Use of ; but from two sorts

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of Practices that have been publicly mentioned, I must conclude, that it is impossible for the Petitioners, to know the principal Persons guilty. Suppose, my Lords, that the having a Regiment drawn up under Arms, in the very Place where, and at the very Time when, the last Election of the 16 Peers was made, should be one of the illegal Practices complained of; in this Case, the Petitioners may know the Officer that then commanded the Regiment; but that Officer is not surely the Person against whom your Lordships Enquiry is to be chiefly directed; he certainly had his Orders from some superior Officer; that superior Officer is the Person, against whom your Lordships Enquiry must be chiefly directed; and the Name of that superior Officer your Petitioners cannot be supposed to know.

Let us again suppose, my Lords, that Corruption was one of the illegal Practices made use of at the last Election: Some Lords of Scotland may perhaps have owned, that they got Money for voting according to Direction, or that they were offered Money, or some other Reward, on condition they would vote according to Direction; but those Lords would certainly, for their own Sakes, conceal the Names of the Persons who gave or offered them Money, or other Reward, for such a corrupt and criminal Purpose, because the Person named would have been entitled to an Action of Scandal for spreading such a Report against him, and upon that Action, would certainly have recovered great Damages; whereas, upon an Examination at your Lordships Bar, the Persons guilty may be named without any such Danger. But farther, my Lords, where Practices so highly criminal are made use of, we cannot suppose, that the Persons principally concerned would personally appear; such Practices are generally carried on by Under-Agents; and though some indirect Hints may perhaps have been given as to the Names of those Under-Agents, yet it is impossible for the Petitioners, to know the Names of the principal Persons who employed those Agents; nay, even your Lordships may find some Difficulty, to fix those Practices on the Persons on whom they ought principally to be fixed, and against whom the Enquiry of this House, and the Vengeance of the Nation ought principally to be directed.

Your Lordships will, without doubt, observe the Motto of Westminster Hall, *Audi alteram partem*: It is a Rule that will, I hope, be always observed by this House; and in the Affair now before us, you will certainly hear the other Side, as soon as there is one to be heard: As yet there is no Side, there is no Prosecutor nor Prosecution, and consequently, no Person prosecuted to be heard. The Petitioners are no

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Prosecutors, nor is it possible for them to tell who are to be prosecuted, or whether there be any Person that ought to be prosecuted or no: They complain only against a Grievance, they desire your Lordships will enquire into that Grievance, and apply such Remedies as you may think proper. If, among other Remedies, it shall be found necessary to prosecute the Persons who, by your Enquiry, shall be discovered to have been any way concerned in the Grievance complained of, a legal and a regular Prosecution will certainly be carried on against those Persons, and then your Lordships will certainly hear what they have to say in their own Defence, and till then they have nothing to do with your Lordships Enquiry, nor have they a Right to be present at the Examination of any Witnesses to be examined at the Bar of this House.

In short, your Lordships may profess what you will, but if the Affair now before us be thus put off by Motion after Motion; Motions which seem to germinate one from another; the World will not believe that you have an Inclination to go to the Bottom of the Affair before you, or that you have an Inclination to save your Country from the impending Ruin which is so loudly complained of, and so generally foreseen: And thus, by shewing such a tender Regard to the Characters of some particular Men, who may perhaps be in Danger of being exposed by a strict Enquiry into this Affair, your Lordships will bring a most heavy, and, I am afraid, a very general Imputation upon the Character of this House; therefore I hope the noble Duke will wave this Motion, and let us proceed to appoint a Day for enquiring into this Affair, by the Examination of all such Witnesses as may be thought proper to be examined, upon an Occasion of so great Importance to the Honour of this House, and to the Freedom and Independency of Parliament.

The Reply was to the following Effect, *viz.*

Reply.

My Lords, as parliamentary Enquiries have been often of great Advantage to this Nation, and may be so in Time to come, I shall therefore, upon all Occasions, be ready and willing to agree to any such Proposition, when there appears a Necessity for entering into the Enquiry proposed; but as all parliamentary Enquiries must be attended with great Trouble and Expence to some of his Majesty's Subjects, and as they always raise some sort of Ferment in the Nation, they are not to be entered upon without some apparent Necessity for so doing: We are not, at the Desire of any Subject, or of any Number of Subjects, to set up a parliamentary Enquiry, unless those who desire it, can shew

us

as very good Reasons to suspect, that some illegal Practices have been committed, and that it is become necessary for this, or the other House of Parliament to enquire into them. I have a very great Respect for the noble Lords the Petitioners, and I am persuaded, they think that some illegal Practices have been made use of, and that it is become necessary for this House to enquire into them : This they are certainly convinced of, otherwise they would never have presented such a Petition : This is their Opinion, but they must give me their Reasons, before I can make it mine : If those Reasons be as prevalent with me, as they are with them, I shall certainly agree to the Enquiry desired ; but neither in this, nor in any other Case, shall I ever give my Vote according to the Opinion of another, but according to that which I have formed for myself. It is therefore incumbent upon the Petitioners, to give us some Reasons to believe, that illegal Practices have been actually made use of, and that there is a Necessity for this House to enquire into them ; and as it is impossible to give us any such Reasons, without first giving us some particular Instances of the illegal Practices they complain of, and some Account of the Persons, they suspect to have been concerned in such Practices, I cannot but think, the Motion now made to us, a very proper Motion upon this Occasion, and such a one, as the Petitioners ought certainly to comply with, before they can expect that any Lord in this House, who knows no more of those illegal Practices than I do, can agree to any sort of parliamentary Enquiry.

When any Enquiry is moved for in either House of Parliament, these three Questions naturally occur to every Member of that House, Whether the Practices proposed to be enquired into, be illegal ? Whether they be such as may be presumed to have been committed ? And whether they be of such a Nature, as cannot be punished or remedied by the ordinary Courts of Law ? These are three Questions, I say, my Lords, which naturally occur to every Member, and he ought to satisfy himself about every one of them, before he gives his Opinion, either for or against agreeing to the Enquiry proposed. Now, I appeal to your Lordships, how any Lord in this House, who knows nothing of the Practices lately made use of in *Scotland*, can satisfy himself as to either of these Questions, without knowing something more about them, than he can know from the Petition now before us ? In my Opinion, it is impossible for any Man to satisfy himself in either of the three, without knowing some particular Instances of the Practices complained of, and the Names of the Persons said to have been guilty of those Practices. But suppose we should

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should agree to enquire into this Affair, without any farther Information than what we have at present; I must beg your Lordships to consider, how it would be possible for us to examine, or to put the proper Questions to any Witness, that shall be brought to the Bar of this House? For as none of the Petitioners have at present a Seat in this House, I cannot form to myself any Question that could be put by any other Lord to a Witness, but only the general Question; if he knew of any, and what illegal Practices made use of at the last Election of sixteen Peers for Scotland? This, in my Opinion, would be a very improper Question, because it would be leaving it entirely to the Judgment of the Witness, to determine, what he took to be an illegal Practice, and to give us an Account of none but what he took to be such: Upon such a general Question, it may be supposed, that some Witnesses would give us long and tedious Accounts of trifling Facts, nothing at all to the Purpose, while others might perhaps neglect to inform us of Things of the greatest Importance. Therefore, not only to enable us to judge if there be a Necessity for an Enquiry, but likewise to enable us to proceed with Accuracy and Vigour; we ought to agree to the Motion proposed, and the Petitioners ought to comply with it, as I make no doubt but they will.

My Lords, in all preparatory Examinations, in all sorts of Examinations that ever I heard of, the Witnesses are questioned about particular Facts, and likewise in relation to particular Persons; and either the Judge, before whom the Witness is examined, or some Person concerned, and attending for that Purpose, knows, or is instructed, how to put the particular Questions to the Witness, in order to draw the whole Truth from him, relating to that Affair about which he is examined. Even with respect to those Enquiries which have proceeded from a Motion in either House of Parliament, the Member who proposes an Enquiry, does not barely make a Motion for that Purpose; he stands up in his Place, and always gives the House an Account of the particular Facts he desires to be enquired into: Nay, he generally gives the Names of the particular Persons against whom he makes his Complaint; By that Speech the Members are not only enabled to judge, whether or no a parliamentary Enquiry be necessary, but they are likewise enabled to put the proper Questions to the Witnesses, that may thereafter be brought before them in the Committee. And besides, the Member who makes the Motion, is always named one, and generally the Chairman of the Committee, who must be supposed to know

know the particular Facts, and to suspect, at least, who were the particular Persons guilty of those Facts; so that he must of course know, how to put the proper Questions to every Witness, and the particular Facts, as to which each Witness ought respectively to be examined.

Anno 2. Geo. II.
1724-5.

Suppose, my Lords, that the Petition now before us is to be taken as a general Complaint against a Grievance, and a Desire to have that Grievance redressed; yet it must be granted, that it is one of the most general Complaints that was ever brought before either House of Parliament. Enquiries may have been set up upon meer Suggestions, or upon common Fame; yet I believe there was never an Enquiry set up upon such a general Suggestion, or upon such a general Report: Some particular Facts are always suggested, even common Fame reports some particular Crimes, and fixes those Crimes upon some particular Persons, before it is made the Foundation of any Parliamentary Enquiry. And with respect to Presentments at common Law, it is very certain, no grand Jury ever made such a general Presentment as the Complaint now before us: They always fix upon some particular Thing, or upon some particular Practice, and present it as a Nuisance, which they think ought to be remedied; and if a grand Jury should make a Presentment, complaining in general, that at such a Time, or upon such an Occasion, some illegal Practices had been made use of, without mentioning one of those Practices which they took to be illegal, or one of the Persons by whom they supposed such Practices to have been made use of, I am persuaded no inferior Court in *England* would take any manner of Notice of such a Presentment. An utter Neglect would certainly be the Fate of such a Presentment at common Law; and I am persuaded a Motion in the other House for an Enquiry, founded upon such a general and indefinite Charge, would meet with very little Success. However, I am very far from proposing, that the Petition now before us ought to be intirely neglected; I think it ought to be greatly regarded, both on account of the Persons complaining, and the Matter complained of; and I shall be for making a most strict Enquiry into the Affair, if the Petitioners will but make it possible for us to do so, by giving us some Instances of the Practices they complain of, and the Names of some of the Persons they suspect to have been guilty of those Practices.

The Petitioners, my Lords, must know, or have heard of some particular Facts which they take to be illegal, and of dangerous Consequence, otherwise it is certain, they never would have presented such a Petition

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Anno Geo. 3. II.
1734-5.

to this House: Let them but inform us of those particular Facts they know or have heard of, that we, as well as they, may judge whether they are illegal or not; that we, as well as they, may judge whether they are of such dangerous Consequence, as to deserve a parliamentary Enquiry: And it is impossible they can know any particular Facts, without knowing the Names of some of the Persons who were guilty of those Facts: Nay, it is impossible they could have heard of any Facts, without having had the Persons guilty named to them, or at least described in such a Manner as they must know who they are; for though there might, perhaps, have been some Danger, in publishing the Name of any Person upon such an Occasion, yet the Person guilty might have been so described as to make every one know who was meant, without exposing the Person who gave such Description, to any Danger: Such Descriptions must have been fully understood by the Petitioners; and surely they may, without any Danger, declare to this House the Names of the Persons they suppose to have been meant by such Descriptions.

'To conclude, my Lords, though I have as great a Regard for the noble Lords the Petitioners, as any Lord in this House can have; tho' I could depend upon their Judgment as much as upon the Judgment of any Men; yet I cannot answer to myself for agreeing to take up the Time of this House, and put Witnesses to the Trouble and Expence of travelling, perhaps a great many Miles, which must be the Event of our entering upon an Enquiry into this Affair, without being, in my own Judgment, convinced, that there is great Reason to suspect that some very illegal and dangerous Practices have been made use of, and that they are Practices of such a Nature, as cannot be punished or remedied any other Way than by a parliamentary Enquiry; and since I cannot, of this, be convinced in my own Judgment, without knowing particularly, both the Practices that are suspected to have been illegally committed, and the Persons Names that are suspected to have been guilty of those Practices, therefore I must be for the Motion.'

After this Debate, the Lord *Bathurst* stood up, and spoke to this Effect, *viz.*

Lord *Bathurst's*
Motion for separating the two
Parts of the
Question.

'My Lords, since I find your Lordships are like to come to a Question upon this Motion, I must observe, that, as it stands at present, it is a Motion complicated of two very distinct Parts. By the first Part of it, the Petitioners are

‘ to be ordered to lay before this House, in Writing, In- Anno 8. Geo. II.
 ‘ stances of those undue Methods and illegal Practices, upon 1734-5.
 ‘ which they intend to proceed; and by the other Part,
 ‘ they are to be ordered to lay before this House, the Names
 ‘ of the Persons they suspect to have been guilty of those un-
 ‘ due Methods and illegal Practices: Now, my Lords, as
 ‘ these two Parts are evidently as distinct and different from
 ‘ one another, as any two Motions can be; and as it is
 ‘ evident, that several Lords may, for very good Reasons,
 ‘ be against the last Part, tho’ they may be for the first,
 ‘ therefore, my Lords, I must make use of that Right which
 ‘ every Lord has, by the constant Practice of this House,
 ‘ and desire that the Parts may be separated, and the Que-
 ‘ stion put separately upon each.’

The Question being called for, his Lordship stood up a-
 gain, and insisted upon it, ‘ That when a Question appeared
 ‘ to be complicated, every single Lord in that House, had
 ‘ a Right to desire that the Parts might be separated, and
 ‘ that different Questions might be put upon the several
 ‘ different Parts. This, he said, was a Right that was never
 ‘ controverted, and he insisted upon his Right.’

The Question being still called for, he stood up the third Amendment
 time, and said, ‘ That since they did not seem inclined to offered.
 ‘ grant him a Right, which had never been denied to any
 ‘ Lord in that House, he would propose an Amendment to
 ‘ the Motion, which was, that these Words (*and the Names
 ‘ of the Persons they suspect to have been guilty of such undue
 ‘ Methods and illegal Practices*) might be left out; and there-
 ‘ fore he hoped their Lordships would put the Question upon
 ‘ the Amendment, before they put the Question upon the
 ‘ Motion.’

Upon this the Question was put upon the Amendment Question.
 offered, which was carried in the Negative, by 90 to 48;
 and then the Question being put upon the Motion, it was
 carried in the Affirmative, without a Division.

The Motion was made by the Duke of *Devonshire*; and was Speakers,
 supported by the Earl of *Scarborough*, the Lord *Hervey*, the
 Lord *Hardwick*, the Bishop of *Salisbury*, the Earl of *Illy*,
 the Lord Chancellor, and the Duke of *Newcastle*. It was
 opposed by the Earl of *Chesterfield*, the Lord *Gower*, the
 Lord *Bathurst*, the Earl of *Abingdon*, and the Earl of *Staf-*
ford.

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The Petitioners having been made acquainted with this last Order, in the same Manner they were made acquainted with the former, they delivered their Answer in Writing to the Lord Chancellor, on the 27th of *February*: and next Day, the Order of the House being read, the Lord Chancellor acquainted the House, that he had received from the Petitioners, an Answer in Writing to their Lordships last Order, which he read to the House, and of which the following is an exact Copy, *viz.*

Petitioners Answer.

‘ *My Lords,*
 ‘ **Y**OUR Lordships Order of *February* the 21st Instant, hath been signified to us by the Right Hon. the Lord High Chancellor, with respect to which we do humbly submit to your Lordships, That we have not, by our Petition, stated ourselves Accusers of any Person whatever, nor did we intend to do so; but thought it our Duty to lay before your Lordships, by way of Petition, that such Methods and Practices were used, towards carrying on the last Election of sixteen Peers for *Scotland*, as appeared to us dangerous to the Constitution, and might prove subversive of the Freedom and Independency of Parliament. The Preservation of our happy Constitution is what we have in view, without Regard to any particular Persons; and we humbly conceived, that any Matter which so nearly concerns this Constitution, or might appear to be an Encroachment upon it, was a proper Subject for your Lordships Consideration and Enquiry, as a high Court of Parliament.

‘ That, without stating ourselves as Accusers, which is far from our Intention, we conceive we cannot take upon us to name the particular Persons, who may have been concerned in those illegal Practices; but, who those were, will undoubtedly appear to your Lordships, upon taking the proper Examinations; and the Facts are what we humbly pray may be enquired into, *whoever may happen to be affected by them*: Nor can we, without acting as Evidences, comply with those Words of your Lordships Order, to give the Names of the Persons by whom such undue Methods and illegal Practices were used: But, would we act both as Accusers and Witnesses, it is impossible for us to inform your Lordships, who were the Persons that, in the Course of this Examination, and from the Testimony of future Evidences, may appear to have been concerned in the above-mentioned Practices.

‘ We do also humbly submit to your Lordships, that we may have very certain and true Information of undue Methods

‘ thods and illegal Practices, that have been used towards Anno 8. Geo. II.
 ‘ engaging Peers to vote for a List ; and yet that our In- 1734-5.
 ‘ formers may not have thought proper to name the Persons,
 ‘ by whom such undue Methods and illegal Practices were
 ‘ used ; or may be unwilling to do so, until they are brought
 ‘ upon their Examination.

‘ And, with respect to the laying before your Lordships
 ‘ the particular Instances of the undue Methods and illegal
 ‘ Practices mentioned in our Petition, we humbly submit to
 ‘ your Lordships, if an Examination of this Kind ought to
 ‘ be confined to particular Instances ; since, from the Na-
 ‘ ture of the Thing, it appears evident, that many In-
 ‘ stances may come out in the Course of such Examination,
 ‘ the particular Circumstances whereof cannot be known to
 ‘ your Petitioners, and yet must appear upon Enquiry.

‘ That though the opening the Particulars of the Facts to
 ‘ be proved, may necessarily produce such a Discovery of Evi-
 ‘ dence before Examination, as is usually thought dange-
 ‘ rous even in course of ordinary Trials, and may be much
 ‘ more so in the Case of a parliamentary Enquiry :

‘ Yet, nevertheless, in consequence of your Lordships
 ‘ Order, as far as we are able from the Nature of the Thing,
 ‘ we do humbly acquaint your Lordships, that we laid the
 ‘ Petition before you, upon Information, that the List of
 ‘ sixteen Peers for *Scotland*, had been framed by Persons in
 ‘ high Trust under the Crown, long previous to the Electi-
 ‘ on itself ; and that this List was shewn to Peers, as a List
 ‘ approved of by the Crown, and was called the *King's*
 ‘ *List*, of which there was to be no Variation, unless to make
 ‘ way for one or two particular Peers, on condition they
 ‘ should go along with the Measure.

‘ That Peers were solicited to vote for this List, or the
 ‘ *Crown List*, without the Liberty of making any Altera-
 ‘ tion.

‘ That Endeavours were used to engage Peers to vote for
 ‘ this List, by promise of Pensions, and Offices civil and
 ‘ military, to themselves and near Relations, and by
 ‘ actual Promise and Offers of Sums of Money.

‘ That Sums of Money were actually given, to or for
 ‘ the Use of some Peers, to engage them to concur in the
 ‘ voting this List.

‘ That annual Pensions were promised to be paid to
 ‘ Peers, if they concurred in the voting this List ; some
 ‘ of them to be on a regular Establishment, and others to
 ‘ be paid without any Establishment at all.

‘ That, about the Time of this Election, Numbers of
 ‘ Pensions, Offices (of which several were nominal) and

Anno 8. Geo. II. 1734-5. ' Releases of Debts owing to the Crown, were granted to
' Peers who concurred in voting this List, and to their near
' Relations.

' That, on the Day of Election, a Batallion of his Ma-
' jesty's Forces was drawn up in the *Abbey-court*, at *Edinburgh*,
' and three Companies of it were marched from *Leith* (a
' Place at one Miles Distance) to join the rest of the Batal-
' lion, and kept under Arms from nine in the Morning till
' nine at Night. when the Election was ended; contrary to
' Custom at Elections, and without any Cause or Occasion
' that your Petitioners could foresee, other than the overaw-
' ing of the Election.

' These Instances of undue Practices we now humbly
' mention, which we hope will satisfy your Lordships, that
' we have just Reason to pray your Lordships to take this
' Matter into your serious Consideration, and to pro-
' vide such a Remedy as may be effectual, for preserving
' the Right and Freedom of Elections, such Right of elect-
' ing being the only Right that now remains with the Peers
' of *Scotland*, in lieu of a constant and hereditary Seat in
' Parliament.

Feb. 27.
1734.

' *Hamilton and Brandon, Dundonald,*
' *Queensbury and Dover, Marchmont,*
' *Montrose, Stair.*

Motion against it. After this Answer was read, a Motion was made for their
Lordships to resolve, ' That the Petitioners had not com-
' plied with the Order of that House of the 21st Instant.'

The Argument for this Resolution was to the Effect as
follows, *viz.*

Argument for the
Motion.

' My Lords, the Answer now read to us, is, in my Opi-
' nion, altogether as general and as obscure as the Petition
' which your Lordships want so much to have explained, and
' without which Explanation the Opinion of this House
' seems to be, that we cannot proceed: The Petitioners,
' 'tis true, have in this Answer told us in general, the Na-
' ture of some Practices which are highly criminal, and
' which deserve very much the Notice of this House; they
' have indeed told us the Species of those Crimes, which
' they suppose to have been committed; but they have not
' told us of any particular Crime; nor have they given us
' so much as one Instance of any particular Fact upon which
' they intend to proceed; and as for the Person's Names
' supposed to have been guilty of those Crimes, they have
' not,

' not, in so far as I can find, given us the least Hint of any Anno 8. Geo. II.
 ' one; so that we are certainly now as much in the dark, 1734-5
 ' as when we made that Order to which they have given
 ' us this Answer: I cannot therefore think that any of your
 ' Lordships will be of Opinion, they have complied with
 ' the Order of this House; nay, so far are they from com-
 ' plying with it, that they seem cautiously to avoid com-
 ' plying with it, even so far as was in their Power; for
 ' they do not so much as say, that their Informers have re-
 ' fused to name the Persons guilty; but only say, that their
 ' Informers may, perhaps, be cautious of naming any par-
 ' ticular Persons, till they come to be examined at your
 ' Lordships Bar. Surely, my Lords, if their Informers
 ' told them the Names of the Persons that were guilty,
 ' they might, in compliance with your Lordships Order,
 ' have given the Names of such Persons; and if their In-
 ' formers have actually refused to name any Persons till they
 ' come to the Bar of this House, the Petitioners might
 ' have positively said so: Then, as to the Regiment that
 ' is said to have been kept under Arms near the Place of
 ' Election, the Petitioners must certainly know the Name of
 ' the Officer who commanded the Regiment at the Time;
 ' and consequently, they might surely have complied with
 ' your Lordship's Order so far as to give you the Name of
 ' that Officer, which I find they have not done; and for
 ' that Reason I shall conclude with a Motion so natural,
 ' that I hope no Lord in this House will make any Difficul-
 ' ty in agreeing to it.

' When your Lordships made the last Order, it was cer-
 ' tainly your Opinion, that it was impossible to proceed to
 ' the Examination of any Witnesses in this Affair, till you
 ' knew some of the particular Facts about which the Wit-
 ' nesses were to be examined, and the particular Persons
 ' against whom they were to give their Evidence. This
 ' must have been your Opinion, otherwise you would never
 ' have made such an Order: And now I appeal to every
 ' Lord in this House, if from the Petitioners Answer, now
 ' before us, he can pretend to any farther Knowledge than
 ' he had at that Time, either as to the particular Crimes
 ' committed, or as to the Persons who were guilty of those
 ' Crimes; therefore I must conclude, that every Lord in
 ' this House, who agreed to that Order, must of course
 ' agree to the Motion I am to make: Besides, there is no-
 ' thing, my Lords, in which the Honour and the Dignity
 ' of this House is more concerned, than in that of seeing
 ' our own Orders punctually complied with; and as it can-
 ' not be pretended that the Petitioners have, by this Answer,

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' complied

Anno 8. Geo. II.
1734-5.

‘ complied in the least with our last Order, therefore, I think, I must be justified in moving, that your Lordships would come to a Resolution, That the Petitioners have not complied with your said Order.

The Answer to this was in Substance as follows, *viz.*

Answer.

‘ My Lords, when your Lordships last Order was first proposed, I was not only of Opinion, that it was contrary to the whole Spirit and Tenour of the Laws of *England*, which do not allow any Man’s Character to be loaded with an Accusation, unless by the Oath of some Person or another; but I was likewise of Opinion, that it would be impossible for the Petitioners to comply with it, and therefore I at that Time opposed it: However, now that it is become an Order of this House, I must admit that it was a just, a right, and a proper Order; and therefore, the only thing we have now under our Consideration is, Whether the Petitioners have complied with it or no? I hope, my Lords, it will not be supposed that we are, by any Order, to require People to do what is impossible; and for this Reason, every Order made by this House must, in the very Nature of it, imply an Alternative: Every Order we make must be presumed to imply, that those to whom it is directed, shall either comply with it punctually, or shew us that it is impossible for them to do so; for surely neither the Honour nor the Dignity of this House can be engaged, to make any Man perform an impossibility.

‘ According to this Rule, my Lords, let us examine the Answer now before us: By our Order, we desired the Petitioners to give us Instances of those illegal Practices they complained of; and have not they given us Instances of the most illegal Practices that were ever made use of at any Election? Is not Bribery an Instance of illegal Practices? And can that Instance be more particularly expressed, than they have expressed it in their Answer? They have not only told us the Species of the Crime, but they have told us several Ways or Methods how it was made use of: They have told us, that some were bribed by the Promise of Offices, some by the Promise of Money or Pensions; that some were bribed by the actual Grant of Pensions, some by the actual Grant of Offices, and some by the actual Grant of Releases of Debts, owing by them to the Crown: Nay, they have told us, that Sums of Money were actually given to or for the Use of some Peers, to engage them to concur in the voting a List of Peers:

Peers: Is it possible, my Lords, to give more particular Instances of Bribery, without actually naming the Persons who gave, and the Persons who received the Bribes? But Bribery, it seems, was not of itself sufficient to cram this List down the Throats of some of the Peers of *Scotland*; to their Gifts and their Promises they were forced to add Menaces and Threats: By calling it the *King's List*, and by saying it was approved by the Crown, what else can be understood, than that they designed to threaten those who should refuse to vote for it, with the Displeasure of the Crown, and that they must expect to be turned out of any Office or Employment they enjoyed under the Crown? Nay, the Petitioners go farther, they tell us, that not only his Majesty's Name, but his Majesty's Troops were made use of, to terrify those whom Money or Promises could not corrupt. Without giving us the Names of the Persons by whom, and to whom those Expressions were made use of; without giving us the Name of that Person from whom those Orders to his Majesty's Troops originally flowed, it is impossible to describe those Instances of Menaces and Threats, more particularly than they are described in the Answer now before us; and therefore there is not the least Pretence to say, that the Petitioners have not fully complied with this Part of your Lordship's Order.

Now, my Lords, with respect to the other Part of your Lordships Order, by which the Petitioners are desired to give us the Names of the Persons that were guilty of those Crimes; this indeed they have not complied with; But for what Reason? Because it is impossible. They do not say, that from their own Knowledge they know any of those illegal Practices; they do not so much as insinuate, that any Man attempted to bribe or to frighten either of them: No, my Lords, all the Knowledge they have, is, by Information; and they expressly tell us, that were they to act both as Accusers and Witnesses, it is impossible for them to inform your Lordships who were the Persons guilty; and farther, besides the Credit which is due to their Characters, they give us a most convincing Reason for the Impossibility they labour under in this respect: They tell us, that their Informers may be unwilling to name the Persons guilty, until they are brought upon their Examination; and this, my Lords, every one of your Lordships must agree to be very probable, nay, to be certain, because of the great Danger that attends the mentioning of any Person's Name upon such an Occasion. As to the Officer that commanded the Regiment,

kept

Armo 8. Geo. II.

1734-5.



kept under Arms during the Time of that Election, I do not doubt but the Petitioners may know his Name; but I am surprized to hear any Lord say, that the Petitioners ought to have named him in their Answer to your Lordships Order, because he was not, nor could be the Person guilty; he must have been but an inferior Officer, and therefore must have had Orders from a Superior for what he did: The Superior, the Supreme, I mean, my Lords, the Person from whom those Orders originally flowed, is the only Person guilty, and the only Person your Lordships are to enquire after; all under him are obliged to obey their Orders, under the Pain of Mutiny, which is immediate Death; and therefore they cannot be the Persons guilty; so that it would have been ridiculous in the Petitioners, to have named the Officer who commanded the Regiment, as the Person guilty of any illegal Practice; and the other, the Petitioners cannot know: But, my Lords, by examining that Officer, and perhaps some others, at your Lordships Bar, you will at last find out the Person, properly chargeable as the Criminal in this Respect: I say criminal; my Lords; for it has always been held highly criminal, to leave any regular Forces in any Town where an Election is to be; and certainly it must be much more criminal, to march them into such a Town, and to give them Orders to stand to their Arms, as if they were ready to cut the Throats of all those, who should dare to oppose the Persons that gave them their Orders: Thus, I think it is evident, that with the first Part of your Lordships Order the Petitioners have fully complied; and with the latter Part, they have not only declared, but have shewn, in the most convincing Manner, that it is impossible for them to comply; and therefore there cannot be the least Foundation, for the Resolution the noble Lord has been pleased to move for.

There may be, and I hope, my Lords, there are many Lords in this House, who might think, that your Lordships could not well proceed to an Enquiry into this Affair, without some farther Lights than you had by the Petition; and may now think that you have had Lights sufficient to proceed to an Enquiry, by which those dark Scenes of Iniquity may perhaps be opened fully to View. The three Questions which naturally occur, when an Enquiry is proposed, may now be easily answered: Can it be doubted but that the Practices, of which the Petitioners have given us so many Instances, are illegal? Can it be supposed, that they can be either punished or prevented by any inferior Court? Is it not admitted of all Sides, that they are such

as highly deserve the Notice of this House? As to the first Anno 8. Geo. II.

and third Questions, therefore, none of your Lordships seem
to make any Doubt; then as to the second, Whether they
are such Practices as may be presumed to have been com-
mitted? I am sorry, my Lords, to say, that the Presump-
tion is, in my Opinion, but too strong. Besides the Cha-
racters of the noble Lords the Petitioners, who are well
known, and I hope well respected by most of your Lord-
ships, have not we a general Clamour against such Practices?
And when I consider the great Qualifications, and more
especially the just, the generous, and the prudent Con-
duct of some of the Petitioners, who had the Honour to
be Members of this House in last Parliament; the great
Number of Votes they had in their Favour, at the
Election for that Parliament; and the small Number of
Votes they had in their Favour at last Election; I must
say, I am afraid there is too much Ground for this gene-
ral Clamour, too solid a Foundation for this particular
Complaint; so that as to the second Question, there can
be, in my Opinion, as little Doubt as in either of the
other two.

Another Argument, my Lords, which seemed to make
some of your Lordships willing to agree to the Order then
proposed, was, that, without some farther Lights into this
Affair, the proper Question could not be put to the Wit-
nesses to be examined at your Bar: But can any Lord now
say, that we are not fully instructed by the Answer now
before us, for putting the proper Questions to every Wit-
ness that can be brought to our Bar, upon an Enquiry in-
to this Affair? The particular Interrogatories, both as to
Bribery and Threats, and likewise as to the Regiment,
which seems to have been made use of, with an Intention
to over-awe this Election, arise so naturally from the An-
swer before us, that we may get at the Bottom of this
Affair, without any farther Information: But, besides,
though the Petitioners have not now the Honour to be
Members of this House, yet surely they will be allowed,
and by this Petition they appear to be ready and willing,
to give every Lord of this House as much Assistance as
they can, in putting the proper Questions to each Witness,
so as to enable us to draw from every Witness the whole of
what he may know, about the illegal Practices made use
of at last Election. From all which it is probable, nay, I
think it is to be expected, that there are many Lords in
this House who were for the Order proposed, but will
now be for proceeding directly to an Enquiry into this Af-

Anno 8. Geo. II. 1734-5. fair, and consequently must be against the Motion now proposed.

My Lords, notwithstanding I have, I think, clearly shewn, that the Petitioners have fully complied with your Lordships Order, in so far as it was possible for them to comply with the same; yet I should be very easy about the Event of this Motion, if I did not suspect that it was to be followed by another, which will, I am afraid, put an End to this Affair; and therefore I hope the noble Lord will be so ingenuous as to stand up, and declare what he intends by the Motion he has been pleased to make; for though the Petitioners do not intend, or should absolutely refuse to set themselves up as Accusers, yet I hope your Lordships are not, for that Reason, to drop an Affair, in which the Honour and the Dignity of this House, in which the very Being of our Constitution are all so deeply concerned. When this Affair came first before us, it was said, it ought to be looked on as a Cause, and that therefore the Petitioners ought to be considered as the Plaintiffs, and ought to name those they designed to make Defendants. But if it were to be considered as a Cause, we are not, in my Opinion, to look on the Petitioners as Plaintiffs, nor upon any particular Persons as Defendants. It is, my Lords, the Honour of this House, the Liberties of the People, and our happy Constitution, that are to be looked on as the Plaintiffs, and Bribery and Corruption are the Defendants: These, my Lords, are properly the Parties to this Cause, if the Affair now before us were to be looked on as such. But it ought not, in any Shape, to be considered as a Cause; it is to be considered only as an Enquiry, which some of the best and greatest of his Majesty's Subjects have earnestly petitioned for, which the Nation calls aloud for, and which the Honour of this House most peremptorily requires.

It is certain, my Lords, it is evident from the Records of both Houses of Parliament, that Enquiries have been often set up, without naming any Persons whose Conduct or Crimes were to be enquired into. Even but a few Sessions ago, there was an Enquiry set up in this House, and Witnesses examined at the Bar of this House, without naming any Person who was supposed to have been concerned in the Affair then enquired into; I mean, my Lords, the Affair of the *South-Sea* Company, in relation to the Disposal of their Directors Estates: It is true, that Enquiry was objected to and opposed, as I believe all Enquiries will for ever be; but the Reasons for opposing that Enquiry, were not because no particular Person was named,

nor any particular Instance of Fraud given ; no, my Lords, the only Objection against that Enquiry, was, that there were no Petitioners before us : It was said, that we ought not to enquire into that Affair, because none of the Proprietors of the *South-Sea* Stock, none of the Persons concerned, had complained of any Frauds or undue Practices. In the present Case, this Objection cannot be made ; we have now a Petition before us, we have Persons complaining of undue Practices, who are highly interested in the Complaint ; but now it is said, we must not enquire into this Affair, because none of the Practices are particularly mentioned, because none of the Persons guilty are particularly named : Thus, my Lords, will some Objection be always found, to our entering upon an Enquiry into any fraudulent or criminal Practices, let the Interest and Safety of the Nation, or the Honour and Dignity of the House be ever so much concerned.

If a Coroner, my Lords, should be informed that a Person had been murdered, the Body buried, and the Murder concealed ; but that if he would examine such Witnesses as his Informers should direct him to, the Murder might be discovered, and the Persons guilty apprehended, and brought to condign Punishment ; surely the Coroner would be very deficient in his Duty, if he should neglect or refuse enquiring into the Affair, because his Informers could not, or perhaps would not, declare to him the Persons guilty, and the particular Manner in which the Murder was committed : Surely, my Lords, if his Informers were Men of any Character or Credit, if they were Persons upon whose Information he could have the least Dependence, he would immediately order the Body to be taken up and examined, and would examine in the strictest Manner every Witness his Informer could direct him to. The Case before us is the very same : If your Lordships can have any Dependence upon the Character or Credit of the Petitioners, you must suspect, that a most horrid Murder has been committed : An Election there has certainly been, whether it was a fair and a natural Election, your Lordships are to enquire ; for if it was carried on by undue Methods and illegal Practices, the Right of the Peerage of *Scotland* has been murdered, our Constitution has got, I am afraid, a mortal Stab : I am persuaded none of your Lordships are of Opinion, that the Petitioners are Persons whose Information is not in the least to be depended on ; and in such a Case, upon such an Information, will your Lordships refuse to make any Enquiry, because they cannot inform you of the particular Persons concerned in this

Murder,

Anno 8. Geo. II.

1734-5.



‘ Murder, and of all the particular Circumstances how it was committed? For God’s Sake, my Lords, consider what an Injury will be done, by such a Refusal, to the Nation in general; what a public Slur will be thrown upon the Honour of this House, and upon the Justice of our Proceedings.

‘ In short, my Lords, the Honour of this House, as well as the Independency of Parliament, is, in my Opinion, so much concerned in the Affair now before us, the Complaint is so well supported, the Grievance so fully and so particularly set forth, and a Redress so loudly and so generally, as well as particularly called for, that, if we do not enquire strictly into this Affair, I shall hardly expect that this House will ever for the future enquire into the Complaints of any Subject, or of any Number of Subjects; and if the other House follow the Example of this, where then shall the Subjects go to complain? No where can they go, my Lords, but to the Foot of the Throne, which they cannot approach, but when the Ministers please to give them Leave; and then, I am sure it must be granted, that the Subjects of this once happy and free Nation, will be reduced to the same State with the Subjects of the most absolute, the most slavish Monarchy on Earth.’

To this it was replied as follows, *viz.*

Reply.

‘ My Lords, by the Motion which the noble Lord was pleased to make to us, I must think, that the only Question now before us is, Whether the Petitioners have complied with the last Order of this House, or no? If they have, your Lordships must disagree to the Resolution proposed; if they have not, you cannot avoid agreeing to it. This is the only Question now in hand, and therefore I must think it very irregular, to launch out into other Matters, but still more irregular, to bring any Arguments which may seem to impeach the Justice or the Propriety of an Order already agreed to. Now, my Lords, as to the Question. I have read, I have thoroughly considered, both your Lordships Order, and the Answer now before us, and I must really be of Opinion, that the Petitioners have not complied with any one Part of your Lordships Order: By that Order, they are desired to give us Instances of the illegal Practices complained of; and in answer to this they tell us, that some were bribed with ready Money; some with Offices. or with Releases of Debts, due by them to the Crown, and some with Promises; and they seem to insinuate, that others might be terrified, by calling the

Lift

' Lift proposed to them, the King's Lift; or by the Regi- Anno 8. Geo. II.
 ' ment that was drawn up near the Place of Election: Is 1734-5.
 ' there any Thing, but what every Lord in this House must
 ' have known before he saw this Answer? Surely, if any
 ' illegal Practices are made use of, for influencing any
 ' Election, those Practices must consist either in bribing or
 ' threatening the Electors; they can consist in nothing else;
 ' and I must think that your Lordships intended, by that
 ' Order, to be informed of something more than you knew,
 ' when that Order was made: You certainly did; and as
 ' the Petitioners have given you no farther Knowledge or
 ' Information, it cannot surely be said, that they have com-
 ' plied with that Part of your Lordships Order.

' It may perhaps be impossible for the Petitioners to give
 ' us any particular Instances of Bribery, or of Menaces,
 ' without naming the Persons who gave, or the Persons who
 ' received the Bribes; without naming the Persons who
 ' threatened, or the Persons who were threatened; but, my
 ' Lords, is not this the very Reason why you joined the two
 ' in one Order? You were sensible, that particular Instan-
 ' ces could not be given, without naming the Persons; and
 ' therefore, that the Petitioners might not mistake your
 ' Meaning, you ordered them to give you the Persons
 ' Names, as well as the Instances; and if it be impossible
 ' for them to give any Person's Name, it is certainly equally
 ' impossible for them to give you any Instances either of Bri-
 ' bery or Threatening; but this being contrary to what
 ' they have told you in their Petition, I must therefore con-
 ' clude, that they know some of the Persons Names, but
 ' refuse to comply with your Lordships Order in that Re-
 ' spect; and indeed, they have taken Care, not to affirm
 ' positively in any Part of the Answer, now before us, that
 ' they do not know any of the Persons Names; for when
 ' they say, that, were they to act both as Accusers and Wit-
 ' nesses, it would be impossible for them to inform your
 ' Lordships, who were the Persons, that, in the Course of
 ' this Examination, and from the Testimony of future Evi-
 ' dences, may appear to have been concerned in the above-
 ' mentioned Practices; it cannot be presumed, that they
 ' mean to say more than, that they do not know all the Per-
 ' sons that, by such Examination, may appear to have been
 ' concerned; but still they may know some of the Persons,
 ' they must know some of them, otherwise they could not
 ' have said in their Petition, that they were ready to lay In-
 ' stances of illegal Practices before this House; and there-
 ' fore it cannot be said, that they have complied with your
 ' Lord-

Anno 3. Geo. II. 1734-5. Lordships Order, so far as was possible for them to comply with the same.

I shall grant, my Lords, that it is not legal to leave any regular Troops in a Place where an Election is to be, or to march any Troops to such a Place, at the Time of an Election, unless there appear some very good Reason for so doing: But if Tumults and Riots should happen, or if the Magistrates of the Place should receive certain Information, that some such were intended, they might certainly call in his Majesty's Troops, for the Preservation and Quiet of his Majesty's Subjects; and if any Enquiry should be made into this Affair, which upon this very Account, I wish there may, it will be made appear, that there was very good Reason, for having that Regiment near the Place of Election, and that whatever they did, was done by a proper and a legal Order: But if it were otherwise, if there was any thing illegal done by the Regiment, the Officer who commanded that Regiment at the Time, is the first Person to answer for it, and must be presumed guilty, till he can clear himself, by shewing that he had Orders from a superior Officer for what he did, and such Orders too as he could not discover to be illegal; for if the Orders should, upon the very Face of them, appear to be contrary to Law, I do not think such Orders would justify the Officer who obeyed them: The Petitioners therefore, ought certainly to have named the Officer who commanded that Regiment, as one of the Persons guilty of the illegal Practices they complain of; and that it was in their Power to do this, is, I think, acknowledged of all sides. From all which it is, in my Opinion, evident, that the Petitioners have not in any Respect complied with your Lordships Order; and therefore you must certainly agree with the noble Lord, in the Resolution he has been pleased to propose.

But now, my Lords, as some things have been thrown out, even in this Debate, against the Order agreed to by this House, I hope your Lordships will give me leave to add a few Words in Vindication of your Order. I shall agree with the noble Lord, that, by our Law, no Man is to be loaded with what is properly called an Accusation, without the Oath of some Witness; but then, before that Accusation, which at common Law is called an Indictment, can be drawn up; before any Witness can be examined, the Person's Name, and likewise the particular Crime with which he is charged, must be made known to the Court or to some Person belonging to the Court, and intrusted by the Court for that Purpose; upon this Information,

' mation, the Indictment is formed, and the Witnesses are Anno 8. Geo. II.
 ' examined before the Grand Jury, in order to their finding 1734-5.
 ' the Bill: This is the Course at common Law, and this is
 ' a Method, which ought to be followed in all Courts, and
 ' in all Cases relating to the Punishment of Crimes. This
 ' is the very Method which this House now desires to follow ;
 ' we only want such an Information, as may enable us to
 ' form or draw up an Accusation, and then we are to exa-
 ' mine Witnesses, to see if there is any Ground for the Ac-
 ' cusation, to see if there is any Reason for proceeding far-
 ' ther in the Prosecution.

' With respect to Enquiries into Crimes or Misdemeanors,
 ' either before this House or the other, I do not, my Lords,
 ' remember to have heard, that there was ever any such En-
 ' quiry set up in either House, unless where the Persons
 ' were named, and the Practices particularly set forth, by
 ' those who desired the Enquiry ; or that both were so par-
 ' ticularly described, that every Member might easily and
 ' certainly judge, who were the Persons pointed at, and
 ' what were the Crimes they were to be accused of : I have
 ' often heard it said that Comparisons go upon all four ; but
 ' the Comparison made between the Enquiry now proposed ;
 ' and the Enquiry lately made, relating to the *South-Sea*
 ' Company, is a Comparison, which is so far from going
 ' upon all four, that it has not so much as one Leg to put
 ' to the Ground. In the *South-Sea* Enquiry, the Disposal
 ' of the Estates of those who were Directors of that Com-
 ' pany in the Year 1720, was a Fact particularly mention-
 ' ed, and the Fact proposed to be enquired into ; and as
 ' that Money was under the Management, and must have
 ' been disposed of by those who were afterwards Directors
 ' of that Company, if any Frauds had been committed in
 ' the Disposal of that Money, they were the only Persons
 ' that could be guilty, the only Persons that could be pro-
 ' secuted, and their Names were well known ; so that, in
 ' that Case, the Names of the Persons were known, and
 ' the particular Instance, the particular Fact to be enquired
 ' into, was mentioned in the very Resolution of this House ;
 ' and in that Case it happened, that, after we had given the
 ' *South-Sea* Company a great deal of Trouble, after we had
 ' given several private Gentlemen a great deal of Trouble,
 ' we at last found we had proceeded to an Enquiry a little
 ' too rashly, and without any solid Grounds ; which I am
 ' convinced, would be the Event of the Enquiry now pro-
 ' posed, if we should enter upon it without any farther In-
 ' formation than we have at present.

• With

Anno 8. Geo. II.

1734-5.

‘ With respect, my Lords, to what has been said about the Duty of a Coroner, I must be of Opinion, that if Persons of the best Character should come and inform him, that a Murder had been committed, the Body buried, and the Murder concealed, and yet should refuse to give him the least Hint of the Persons supposed to be guilty ; or the least Circumstance, by which the Coroner could judge of the Grounds of their Suspicion ; I say, my Lords, that if a Coroner should, upon such a general Information, order the Body to be taken up, and give the Relations and Friends of the Deceased a great deal of Trouble, he would be very much blamed ; and would have great Reason to be ashamed of his Weakness and Credulity, if at last it should appear, that the Deceased had died a fair and a natural Death : Nay, even tho’ his Informers had told him in general, that they had heard the Deceased was certainly murdered by Poyson, without telling him by whom, at what Time, or in what Manner administered, such a general Circumstance would no way excuse the Coroner’s officious Enquiry.

‘ If it were possible, my Lords, to judge in the present Case, of the Truth of Facts, without knowing the Names of the Persons said to have been concerned in those Facts ; then the latter part of your Lordships Order would have been useless, and consequently would in so far have been improper ; but in the Case before us, without knowing the Persons Names, said to have been concerned in the Practices complained of, it is impossible for us, upon our own Judgment to determine, whether we have any Ground to presume that those Facts were really committed, because it is upon the Characters and Circumstances of the Persons said to be concerned, that our Judgment must in this Case principally depend ; and I am sure, without a strong Presumption of the Truth of the Facts complained of, it would be wrong in us to enter into an Enquiry : This I take to be the true Reason, why we desired to have the Persons Names, why we agreed to that Order as it now stands ; and therefore I cannot see how any Lord who was for that Order, can be for our proceeding to an Enquiry into this Affair, till the Order be fully complied with.

‘ There is no Man, my Lords, can have a greater Regard for the noble Lords Petitioners, than I have ; no Man can have a greater Regard for their Opinion, as to the Veracity or the Probability of what they relate, than I shall have upon this and every other Occasion ; but I hope they will excuse me, for not allowing my Behaviour in this House to be directed by their Opinion : If they have

a mind

' a mind that I should be of their Opinion; if they have a
 ' mind that I should believe the Facts they relate, as their
 ' Relation does not proceed from their own Knowledge, Anno 8. Geo. II.
1734-5.
 ' they must give me the particular Reasons, they must give
 ' me the particular Circumstances, upon which they have
 ' founded their Opinion, as to the Truth or Probability of
 ' what they relate ; then, and not till then, I shall be able
 ' to form some Opinion of my own ; and till I can form an
 ' Opinion of my own, till I can convince myself, that
 ' there is at least a high Probability that some illegal Prac-
 ' tices were made use of at the late Election of Peers for
 ' Scotland, I cannot agree to our entering upon an Enquiry
 ' into that Affair.

' I hope, my Lords, I have as great a Regard for the
 ' Honour of this House, as any Lord can have ; but for
 ' this very Reason, I cannot yet agree to any Enquiry into
 ' this Affair : I think it inconsistent with the Honour and
 ' Dignity of this House, to enter rashly into any Measure ;
 ' I think it inconsistent with that Regard we ought to have
 ' for the Ease and Tranquillity of the Subject, to enter into
 ' a solemn Enquiry into supposed Crimes, without very suf-
 ' ficient Grounds to suspect, that some such were really
 ' committed ; for by all such Enquiries, some particular
 ' Men must be put to great Trouble and Expence ; and by
 ' raising a general Ferment, the Tranquillity of the whole
 ' Nation will be disturbed. I likewise hope, my Lords, I
 ' have as great a Veneration for the Independency of Par-
 ' liament as any Man ; but as we ought to be independent
 ' of the Crown, or the Ministers, so we ought not to de-
 ' pend upon the Opinion of any Number of Subjects, nor
 ' ought we to depend upon vulgar Rumours, or general Cla-
 ' mours. I do not know, that there is in the present Case,
 ' any general Clamour for an Enquiry, at least I have never
 ' heard of any such ; but if there were, we are not for that
 ' Reason to proceed to an Enquiry : No, my Lords, we
 ' ought coolly to examine the Grounds, the Foundations of
 ' that Clamour, and if we find it has been artfully raised,
 ' without any solid Foundation, we ought to despise it ; for
 ' if neglected and contemned, it will sink, it will vanish of
 ' course. I beg pardon, for taking up so much of your
 ' Lordship's Time, about what I really think is not the
 ' Question before us at present ; but I have so great a Re-
 ' gard for the Honour of this House, that I thought my-
 ' self obliged to say something by way of Reply, in Vindi-
 ' cation of an Order of this House, so solemnly agreed to ;
 ' and therefore I hope your Lordships will excuse me.'

Ann 3. Geo. II.

1734-5

Petition.

The Question was then put for a Resolution, according to the Motion above-mentioned, which was agreed to upon a Division, by 90 to 47.

Speakers.

This Motion was made by the Earl of *Cholmondeley*, and was supported by the Duke of *Newcastle* and the Lord *Hervey*; and it was opposed by the Lord *Bathurst*, the Earl of *Chesterfield*, the Lord *Gower*, the Earl of *Abingdon*, and the Earl of *Strafford*.

Against this Resolution, the following Protest was entered upon the Journals, *viz.*

Dissentient.

Somerset,

Tadcaster,

Maynard.


Protest.

1. **B**Ecause it was agreed in the Debate, conformable to the Rules of Reason, that no Impossibility was required from the Lords Petitioners; and tho' we allow that they have not literally complied with the Order, yet we think the Assertion in their Answer, that it is impossible for them to inform the House who are the Persons, that in the Course of the Examination, and from the Testimony of future Evidences, may appear to have been concerned, was sufficient to satisfy the House, that they have not wilfully disobeyed the Order.

And from the Nature of Things, we conceive it impracticable for the Lords Petitioners, to name all the Persons, who may be concerned in those illegal Proceedings; for although the Offers of Places, Pensions, and other Gratuities, must be presumed to come from Persons in Power, yet such Offers may reasonably be supposed, to be conveyed by Under-agents; and we must also observe, that if those Under-agents should be publicly named before Examination, they may either be prevailed upon to abscond, or to take the whole upon themselves, to screen Offenders of higher Rank.

We must farther declare, it is our Opinion, that such corrupt and dark Designs as are specified in the Answer, may have been carried on with that Secrecy and Dexterity, that altho' a moral Certainty may appear, of their having been executed, the Persons concerned in the Execution may never be discovered; yet this good Effect might have arisen from the Enquiry, that the Legislature would have found means to prevent such pernicious Practices for the future; and

even

even in that Case, the Lords Petitioners, by bringing this Anno S. G. 11.
 Affair before the House, would have done a real Service to 1734-5.
 the Peerage of Scotland, to this high Court of Judicature, ,
 and to the whole united Kingdom.

2. Because we can no ways conceive, that the going on upon this Examination, without having the Names of the Persons produced, could be attended with any possible Injustice to, or Hardship upon, those who might afterwards be named by the Evidence; on the contrary we are persuaded, that such Persons would have an Advantage; which could not happen in any other Course of Proceeding; the whole Matter of the Accusation would lie open to them, the Witnesses against them would be known, who could not afterwards be suffered to vary from their Testimony, and the House would in Justice allow such Persons a full Time to answer the Accusation, and to bring up Witnesses (if necessary) to prove their Innocence. Neither is this looked upon as an Accusation at present; for (as it was justly observed) there are no Accusers, nor Persons accused; but we apprehend it to be the most proper Subject for a parliamentary Enquiry, that can possibly be brought before this House.

3. However it may be necessary in the Course of other Proceedings, whether upon Impeachments or Appeals brought before this House, that all the Persons concerned should be named, we can by no means think it necessary upon an Enquiry, no final Sentence being then to be given; and those Rules which are consistent with Justice in the former Cases, must, in our Opinion, tend to obstruct all Justice in the latter. We cannot conceive that an innocent Person, who should happen to be named in the Course of such an Examination, can possibly be deprived of the means of making his Innocence appear: But we can well foresee, that guilty Persons (and those probably of the highest Rank) may escape by such a Method; which, imposing an Impossibility on the Informants, must, as we apprehend, tend to defeat all parliamentary Enquiries, and therefore could not be, in our Opinion, within the Intention of the Order.

4. Because the Matters specified in the Answer are of such a Nature, as seem only proper to be examined in this House; and had the Lords Petitioners sought a Remedy any where else, they might have been justly censured: We apprehend therefore, that the pinning them down to the precise Words of the Order may be attended with this fatal Consequence,

Anno 8. Geo II. that all parliamentary Enquiries may be rendered much more difficult hereafter ; which may probably give such Encouragement to corrupt Ministers, that they may be prompted to make the most dangerous Attempts upon the Constitution, and hope to come off with Impunity : Such Apprehensions naturally suggest the melancholy Reflexions, that our Posterity may see the Time when some of those Lords, who sit upon a more precarious Foot than the rest of the House, having, through Motives of Virtue and Honour, opposed the evil Designs of some future Minister, for that, and that alone, may be excluded at an ensuing Election ; and though the whole World may be sensible of the Cause of their Exclusion, no Remedy may be found, but their Case may become a Subject of national Concern, Indignation and Resentment.

Scarfsdale, Bruce, Bolton, Warrington, Bedford, Suffolk, Shaftsbury, Chesterfield, Craven, Coventry, Felty, Strafford, Abingdon, Boyle, Thanet, Berkshire, Aylesford, Gower, Huntingdon, Mafham, Grabame, Litchfield, Beaufort, Denbigh, Cobham, Bridgewater, Anglesea, Batburst, Haverfham, Northampton, Macclesfield.

Motion for dismissing the Petition.

Immediately after this Resolution was agreed to, a Motion was made to order, ' That the Petition be dismissed.'

The Argument for the Motion was in Substance as follows, viz.

Argument for the Motion.

' My Lords, when the Petition now before us was first presented, I was of Opinion, that it was conceived in such general and obscure Terms, as not to deserve, on its own Account, the least Countenance or Consideration from this House ; and I am persuaded it was not on account of any Matter contained in the Petition, that your Lordships did not reject it immediately upon its being presented. The Regard you have been pleased to shew to it, was certainly on account of the noble Peers who sign it, and in this I heartily concurred, because for all of them I have the greatest Esteem : For this Reason your Lordships were pleased to indulge them with an Opportunity to explain themselves, and to clear up that Obscurity in which their Petition was involved. This Indulgence they have made use of, and in Obedience to your Lordships Order, they have endeavoured to explain themselves ; but that Explanation is, in my Opinion, as general, and as obscure as the Petition,

tion which is thereby intended to be explained: Nay, in Anno 8. Geo. II. my Opinion, the Petition, and the Explanation, or Answer to your Lordships last Order, seem to be a little inconsistent; for in the Petition they complain of undue Practices, and say, that they were ready to lay before us Instances and Proofs of those undue Practices; yet when we desire them to give us some of the Instances of those Practices, and gave them all the Time they could desire for that Purpose, they give us no Instance of any undue or illegal Practices, they give us only some general Surmises, and tell us they cannot be more particular without stating themselves as Accusers or Witnesses; so that their Complaint is now as obscure as it was at first, and there is now less Reason to believe that there ever were any such Practices as they complain of.

Notwithstanding the Obscurity of the Petition, notwithstanding the Inability of the Petitioners to give us any Instances of the illegal Practices they complain of, yet, my Lords, the Practices so obscurely hinted at, seem to me to be of such a dangerous Nature, and to affect the Honour of this House in such a tender Point, that I should readily agree to the enquiring into them, if, from the very Nature of the Thing, there did not appear to me sufficient Ground to believe that no such Practices were ever made use of. For if it could be presumed, that any such undue Methods or illegal Practices were made use of at the last Election, that Presumption must arise from the Characters and Circumstances of the Persons chosen, compared with the Characters and Circumstances of the unsuccessful Candidates: If the sixteen noble Lords chosen to represent the Peerage of *Scotland*, or any of them, were Persons of a bad Character, Persons of inferior Families or Fortunes, or Persons of no Merit, it might then be supposed, that some undue Methods had been made use of, to get such Persons returned as the Representatives of the Peerage of *Scotland* in this House: But this is not the Case at present; the noble Peers who were chosen, and who, in consequence of that Choice, have now Seats in this House, are Noblemen of as great Families, and of as large Properties as any in *Scotland*; and as to their personal Characters and Merit, there are none of them that have ever been in the least suspected of any Disaffection to his Majesty's Government or Family, and the Qualifications and Merit of every one of them are so well known, that it is needless for me to enlarge upon them: Nay, I will avoid it, because they are present; for I very well know, that even the most just and the most elegant Encomiums are offensive to the Ears of Persons of real Merit,

and

Anno 8. Geo. II.

1734-5.

and that the more Merit they have, the more offensive always will that Praise be which is uttered in their Presence.

Thus, my Lords, as no Presumption of any illegal Practices having been committed, can be drawn from the Nature of the Case before us, and as the Petitioners, notwithstanding the Indulgence granted them, have not been able to give us any Instance of such Practices, nor even any Surmises, but such as are so general, that they cannot give the least Foundation for any Accusation, much less can they give a Foundation for your Lordships to bring the Character of any Person in question; therefore I must conclude that no such Practices were committed, and the necessary Consequence of this must be, to dismiss the Petition.

But farther, my Lords, the Petitioners do not even seem willing to comply with your Lordships Order; for tho' they could not, perhaps, have mentioned all the Persons, that might, from the Examination of Witnesses, have appeared guilty of the Practices they complain of, yet surely, if any such Practices were made use of, some Persons must be suspected at least, to have been guilty of them, and the Petitioners must have heard who they were that were suspected to have been guilty; the Names of those Persons the Petitioners might, and certainly would have given us, if they had intended to have complied with your Lordships Order; and their not doing so, I must look on as a Contempt of, or at least, an Unwillingness to comply with your Lordships Order, the natural Consequence of which must in all Cases be, to dismiss the Petition of those who shew any such Contempt or Unwillingness. This the Petitioners were sensible of, and therefore they, in the Answer now before us, endeavour to excuse themselves, by saying, that they never intended to state themselves as Accusers of any Person whatever: Upon which I must observe, that if they do not intend to state themselves as Accusers, I do not see how we can state ourselves as Judges; for we cannot certainly act the Part both of Accusers and Judges; nor ought we, I think, in any Affair, to act the Part of Grand Jury and Judge, which would really be the Case in the present Affair, if we should first examine Witnesses towards finding out who are the Persons guilty, and then sit as Judges to try, and pass Sentence upon the Persons, against whom any Suspicion of Guilt shall, by such Enquiry, be made appear. From all which, my Lords, I must think, that we neither can nor ought to proceed farther upon the Petition before us; and unless your Lordships have a mind to submit to have the Orders of this House

‘ House contemned, or at least explained in such a Manner Anno 8. Geo. II.
 ‘ as Petitioners shall think fit, I am sure you ought to dis- 1734-5.
 ‘ miss it; therefore I must move your Lordships to order,
 ‘ That the Petition be dismissed.’

To this it was answered in Substance as follows, *viz.*

‘ My Lords, against the Motions formerly made in the
 ‘ Affair before us, I spoke with Surprise, but against that
 ‘ now made, I speak with Concern: The present Motion
 ‘ does not indeed surprise me, for it is what I expected, and
 ‘ what I easily perceived was intended by the Motions already
 ‘ made; and as they were agreed to by this House, I am
 ‘ now obliged to think they were right: But the Affair in
 ‘ Hand, the Petition now before us, is a Matter of so great
 ‘ Consequence to the Honour and Dignity of this House, to
 ‘ the very Being of our Constitution. that it is with the
 ‘ deepest Concern, it is with the deepest Sorrow, I hear
 ‘ a Motion made in this House for dismissing such a
 ‘ Petition; and that upon no other Foundation, but be-
 ‘ cause the Petitioners have not complied with an Order
 ‘ of this House in a Particular, in which they have, I think,
 ‘ very evidently shewn it was impossible for them to com-
 ‘ ply: And my Sorrow is still heightened by what I have
 ‘ observed in the Debate; for every Lord who has spoke
 ‘ upon one Side in this Affair, has made use of Arguments
 ‘ to shew that it is improper or unnecessary, for this House to
 ‘ enter into any Enquiry about the illegal Practices com-
 ‘ plained of; so that if the Motion now made be complied
 ‘ with, it is the last Time I expect to hear any more of the
 ‘ Affair now before us in this House; and therefore I hope
 ‘ your Lordships will excuse me, if I repeat and endeavour to
 ‘ enforce some of the Arguments made use of for shewing the
 ‘ Necessity, as well as Regularity, of making a strict En-
 ‘ quiry into this Affair, and to answer some of the Objec-
 ‘ tions started upon this Occasion.

Answer.

‘ By the Arguments made use of upon this Occasion, it
 ‘ really seems to be the Opinion of some Lords, that this
 ‘ House ought never to enquire into any illegal Practices, if
 ‘ by such Enquiry an Impeachment, or any other parliamen-
 ‘ tary Proceeding, may become necessary for the Punishment
 ‘ of private Men, because we are not, it is said, to state our-
 ‘ selves both as Accusers and Judges, we are not to act the
 ‘ Part both of Grand Jury and Judge: But this Argument,
 ‘ as it has no Foundation either in Law or the Custom of Par-
 ‘ liament, will never, I hope, prevail. It is well known, my
 ‘ Lords, that by an Enquiry, we neither state ourselves as
 ‘ Accusers, or Judges; we neither act the Part of Grand
 ‘ Jury

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Jury or Judge; we act no Part, but that of the Guardians of the Lives, the Liberties, and the Rights of our Fellow-Subjects; and this Part I hope this House will never refuse to act upon any Occasion. If, upon any such Enquiry, a Prosecution becomes necessary, the Custom has always been for some Lord to stand up in his Place, and impeach in Form those who are suspected to be the guilty Criminals, or otherwise we desire a Conference with the other House, and at that Conference we communicate to them what Discoveries we have made by our Enquiry; whereupon the other House becomes the Accuser, they act the Part of the Grand Jury, and then we assume the Character of Judges. This is the Method of proceeding in Parliament; and this Method has been so often practised, and is so well known, that I am surprised to hear any such Argument made use of, against an Enquiry into the illegal Practices now complain'd of.

As we may enquire into any sort of illegal Practices, without stating ourselves as Accusers or Judges, so an Enquiry may, in this House, as well as in the other, proceed from, or be founded upon common Fame, upon the Motion of any Member when seconded, or upon the Petition of the Sufferer by such Practices. I shall grant, my Lords, that we are not to depend on, or to be directed by vulgar Rumours or general Clamours; because illegal Practices are generally reported and loudly exclaimed against, we are not to conclude that they are certainly true; but I will say, my Lords, that a general Clamour is not only a Foundation for an Enquiry, but such a Foundation as we are obliged, both in Honour and Duty, to lay hold on; and in that Enquiry we ought first to examine strictly into the Truth of the Practices complained of, and punish severely the Offenders, if the general Report be found to be true; but if we find it to be entirely groundless, we ought then to enquire into the Authors of it, in order to punish those who disturb the Nation by such artful and groundless Reports. General Clamours ought never to be contemned, the People ought to be satisfied; it is one of the chief Ends of our meeting in this House, and in such Cases there is no way of satisfying the People, but by a strict Enquiry, and a severe Punishment upon the Guilty; for guilty Persons there must necessarily be, upon all such Occasions, either of one Side or the other.

That Enquiries have been set up in this House upon a bare Motion, is not to be controverted, because the Enquiry already mentioned, in relation to the *South-Sea Company*, had no Foundation but a bare Motion, which was indeed supported by a general Clamour of unfair Practices, but

‘ was without any particular Suggestion of Fraud : And by Anno Geo. 8. II.
 ‘ that Enquiry, my Lords, some very odd Practices did ap- 1734-5.
 ‘ pear ; but the Enquiry’s ending as it did, was very far
 ‘ from proceeding from our having gone rashly into it, but
 ‘ from our not going so far as we ought to have gone ; for
 ‘ we found the Affair we had resolved to enquire into, so
 ‘ blended with the other Affairs of that Company, that there
 ‘ was no getting to the Bottom of it, without a general Search
 ‘ into all the Affairs of that Company from the Year 1720 :
 ‘ This general Search, your Lordships must remember, was
 ‘ proposed, and if it had been agreed to, I am convinced that
 ‘ Enquiry would not have ended so smoothly as it did. But
 ‘ that there was any thing more particular, either with re-
 ‘ spect to the Thing to be enquired into, or the Persons who
 ‘ might suffer by it in that Enquiry, than in what is now
 ‘ proposed, I am surpris’d to hear ; for as to the Thing to
 ‘ be enquired into, it is very certain, that there was not one
 ‘ Instance of Fraud, or of any thing that was illegal, so much
 ‘ as mentioned : The only Thing proposed to be enquired into,
 ‘ was the Disposal of a Sum of Money ; and if the Propo-
 ‘ sition now made had been only to enquire into the late
 ‘ Election of Peers for *Scotland*, without mentioning any il-
 ‘ legal Practices, it would have been in this respect no more
 ‘ general than that Enquiry ; but as it stands at present, it is
 ‘ certainly much more particular.

‘ Then as to the Persons, it is very certain, no Man was
 ‘ in that Case particularly named or particularly described ;
 ‘ there were many others, who might have been concerned
 ‘ in the Facts beside the Directors ; some of their Superiors,
 ‘ some of those who direct the Directors ; one of the Directors of
 ‘ the Nation might perhaps have been found to have been
 ‘ concerned ; and if any Frauds had been discovered, it would
 ‘ very probably have been found, that some inferior Persons,
 ‘ some of the Servants of that Company, had been likewise
 ‘ concerned ; for Directors seldom act without Tools ; and it
 ‘ would have as probably been found, that some of the Di-
 ‘ rectors were entirely innocent, unless this House had re-
 ‘ solved to make another Precedent of doing Justice by the
 ‘ Lump, which I hope we shall never again have any Occa-
 ‘ sion for ; so that there is not the least Pretence to say, that
 ‘ the Persons, who might appear to be guilty, were in that
 ‘ Case any way more particularly known than they are in the
 ‘ present : On the contrary, the Persons guilty in the present
 ‘ Case, if there are any, are much more particularly pointed
 ‘ at : In the present Case, there could be no inferior Persons
 ‘ concerned, they must be Persons of some Rank in the
 ‘ World ; some of them must be Persons who have a great
 ‘ deal more of his Majesty’s Ear than they deserve, and

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much more than this House ought to permit them to enjoy: It cannot be supposed that such mean Persons, or such a Number of Persons were concerned in the illegal Practices now complained of, as must have been supposed to have been concerned in the Management and Direction of the *South-Sea Company's* Affairs; and therefore it must be granted, that the Persons who may, by an Enquiry, be found to be guilty, are much more particularly pointed to in the present Case, than they were in the other.

That parliamentary Enquiries have been often founded on a Petition from the Persons injured, will not, I am sure, be controverted. The Enquiry into the *South-Sea Company's* Affairs, after the famous Year 1720; the late Enquiries into the Affairs of the *Charitable Corporation*, and the *York-Buildings* Company, are so many recent Testimonies of this Custom: But, my Lords, was it ever before desired or insisted on, that the Petitioners should give particular Instances of the Frauds or illegal Practices they complained of? Was it ever insisted on, that they should give the Names of the particular Persons they supposed to be guilty? No, my Lords, it never was; and shall the Petitioners in the present Case, because they are Men of as high Quality, and as much injured as any that ever presented a Petition to Parliament; because the Injury they complain of, is of as high and as dangerous a Nature, as any that was ever complained of to Parliament; and because the Practices they complain of, are as generally believed, and as much exclaimed against as ever any Practices were in this or any other Nation; shall they, I say, for these Reasons be obliged to do more than was ever desired of any Petitioners? Shall their Petition be rejected, unless they will subject themselves to the Trouble, the Expence and the Danger, of becoming the actual Accusers of those they suspect to be guilty?

What is at present meant by our own Judgment, or our own Opinion, I cannot comprehend; I hope every one of your Lordships will vote in this Affair as you do in every other, according to your own Judgment, and not according to the Judgment or Direction of any other Person, either without Doors or within. What some Lords may suppose to be necessary, towards forming a Judgment of their own in the present Case, I do not know; but I am very sure that in private Life, if a Gentleman should relate a Fact, and say he had it from such Authority as he could depend on, it would not be consistent with common Decency to tell him, I can give no Credit to what you relate; nay, I will not so much as be at the Pains to enquire into the

‘ Truth of it, unless you give me your Authority.’ Confider, my Lords, what are the Authorities to be given in the present Case, and the only Authorities that can be given. Anno 8. Geo. II.
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‘ The noble Lords, the Petitioners, have told us, that they have certain Information of undue and illegal Practices made use of, towards engaging Peers to vote for a List at the last Election: The only Authority they can give for this Allegation, is the Persons who told them so, and those are the very Persons they desire to have examined at your Lordships Bar: Surely your Lordships would not have them to give you that Authority at present, you would not have them now to give you the Names of their Informers; that would indeed be a Discovery of Evidence, the most open that was ever made, and more open than was ever desired from any Plaintiff in this World: This therefore is not surely what the noble Lords would have, towards assisting them to form a Judgment of their own in the present Case; and yet if this be not what they want, I really cannot comprehend what they would have.

‘ In all Cases, my Lords, where a parliamentary Enquiry has been petitioned for, the Members never had, nor ever desired any thing towards forming a Judgment, whether the Enquiry was necessary or no, but only the Character and Credit of the Petitioners, and the Nature of the Case, as it was represented in the Petition. In the present Case, the Character and Credit of the Petitioners, are as much to be depended on, as the Character and Credit of any that ever were Petitioners in either House of Parliament; and what they relate is rendered still more probable, by the very Nature of the Thing, and by the Experience of past Elections, ever since the Union. I have a great Regard for the sixteen noble Lords, who now represent the Peerage of *Scotland* in this House; I know they are Noblemen of great Worth, and of as great Families and Properties as any in *Scotland*: But this is not the Case in question; and if we look back upon all former Elections in *Scotland*, we must think it very strange, that the sixteen Peers chosen, have always been of a ministerial Complexion, almost without Exception; and if the Complexion of any of them altered, during the Continuance of the Parliament, we have always found them left out at the next Election; nay, upon all Changes of Ministers, we have found the Election of Peers in *Scotland* take a new and a general Turn: This could not, in my Opinion, have happened without something of a very extraordinary ministerial Influence on that Election; and this extraordinary Influence cannot be obtained, without some undue Methods and illegal Practices: Nay, it is

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‘ natural: to suppose, that if he is not a Man of more Virtue
 ‘ than Ministers usually have, a Minister will always make
 ‘ use of the Power and the Favours of the Crown, which are
 ‘ at his Disposal, to get such a Set of Peers returned from
 ‘ *Scotland* as he shall approve of ; so that from the Nature of
 ‘ the Thing, as well as from past Experience, we have all
 ‘ the Reason in the World to believe, there have been some
 ‘ illegal Practices made use of at the last Election ; and, as
 ‘ the Honour of this House, as well as the Preservation of the
 ‘ Constitution, is deeply concerned in preventing such Prac-
 ‘ tices, as such Practices cannot be prevented by our ordi-
 ‘ nary Courts of Law, an Enquiry into this Affair is now,
 ‘ I think, become absolutely necessary.

‘ As I have been surprized at many Things I have heard
 ‘ in the course of our Debates on this Affair, so my Lords,
 ‘ I am not a little surprized at hearing it still insisted on,
 ‘ that the Petitioners have given us no Instances of any il-
 ‘ legal Practices, nor any Information but what we knew
 ‘ before. Could any of your Lordships, could any Man
 ‘ breathing, suppose, that Men would have been so auda-
 ‘ cious as to make use of his Majesty’s Name to over-awe
 ‘ the Election of the sixteen Peers for *Scotland*? Or that
 ‘ they would have dared to say, that his Majesty ever in-
 ‘ termeddled in Elections, or approved of one List, or of
 ‘ one Candidate more than another? Is not this an Instance
 ‘ of the most dangerous and the most criminal Nature?
 ‘ Threats of private Malice or Revenge might have been
 ‘ used, and even the making of such would have been a
 ‘ high Misdemeanor ; but in Matters of Election, to threaten
 ‘ Royal Resentment, is, in my Opinion, High-Treason.
 ‘ Such a Practice I cannot but speak of with Awe, because
 ‘ of the great Name that was used ; but it is a Practice I
 ‘ will speak of with Indignation, because of the great
 ‘ Name that was thereby abused : To make use of the King’s
 ‘ Name, for supporting or recommending a List made up
 ‘ by Ministers, was a most abominable and a most treason-
 ‘ able Practice : His Majesty’s Name ought never to be
 ‘ mentioned in any thing, but what is as pure and as in-
 ‘ corrupted as the Gold on which his Image is stamp’d ; and
 ‘ to mix any Brass, or any ministerial Metal, with what
 ‘ bears the sacred Name of Majesty, is certainly a most
 ‘ heinous Crime ; it is the most treasonable Sort of false
 ‘ Coining : The Honour and Dignity of this House call upon
 ‘ us for an Enquiry ; the Preservation of the Constitution,
 ‘ and the general Voice of the People, call upon us for an
 ‘ Enquiry ; the whole Peerage of *Scotland*, which has been
 ‘ so much injured, calls upon us for an Enquiry ; and this
 ‘ Instance

Instance shews us, that, if we have a due Respect for the Honour and Safety of the King, which all your Lordships certainly have, we must immediately enter upon an Enquiry.

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If any undue Influence was made use of upon an Election, it was very natural, my Lords, to suppose that it chiefly consisted in Bribery; but could any Man suppose, that the Offices and Employments under the Crown, or the Munificence of the Crown, which ought only to be the Reward of Virtue and public Service, would have been made use of to corrupt Voters at an Election for Parliament? Or that the Money, the Estate of the Crown, that which ought to be applied only to the Support of the Honour and Dignity of the Royal Family, would have been converted to the Destruction of the Constitution? This is not only Bribery, but the most treasonable, the most terrible Sort of Bribery. In this respect then, the Petitioners have told us what we did not know, what none of us could suppose; and of this they have given us Instances in as particular a Manner as it was possible, without a Discovery of Evidence, or stating themselves as Accusers of particular Persons, neither of which was ever desired of those who petitioned for a parliamentary Enquiry.

The Grievance now complained of, my Lords, is far from being new or unexpected; even at the Time of the Union it was apprehended, that the Election of the sixteen Peers for *Scotland*, would always be under the Direction of the Ministers for the Time being: What has since happened has sufficiently shewn, that those Apprehensions were not without Foundation; and if this Petition should be rejected, it may be expected, that the Election of the sixteen Peers for *Scotland*, will soon come to be like the Election of our *Bishops*; a *Conge d'Elire* will issue, and will as punctually be complied with, in the one Case as in the other. But the Condition of the Peers for *Scotland*, will be much worse than that of the reverend Bench; for the reverend Lords the Prelates, have their Seats in this House for Life, even the King cannot take that Honour from them; whereas the Peers for *Scotland* must always depend upon the Ministers, for the Continuance of their Seats in this House, and will be stript of that Honour as soon as the Parliament is dissolved, if they ever refuse to vote according to ministerial Direction.

A parliamentary Enquiry does not seem to me, my Lords, to be attended with any such grievous Consequences as has been represented. It may, 'tis true, put some private

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private Gentlemen to some Trouble and Expence ; but as the Safety of their Country is, in such Enquiries, generally very much concerned, I am sure it is in this, therefore, that Trouble and Expence ought not, I am persuaded it will not be regarded : And as to the putting the Nation in a Ferment, I am sure in the present Case, our going upon an Enquiry will put the Nation into no Ferment ; but our refusing to make any Enquiry, will certainly put the whole Nation, and particularly *Scotland*, into a very great Ferment. We ought to consider, my Lords, the Danger the whole Nation was exposed to, by a most unjust Rebellion raised in that Country against his late Majesty ; but if the Peerage of that Country should find themselves oppressed by a Minister, and should find that no Justice should be expected from this House, it may raise another Rebellion, or rather an Insurrection, in that Country ; and as they would then have Truth and Justice of their Side, it would naturally procure them the Hearts of all the People of *England*, and, I am afraid, most of their Hands.

‘ If the Petition now before us, my Lords, were a Petition that regarded only the Rights or Privileges of the Petitioners, their not having complied with your Lordships Order, in the most full and ample Manner, might perhaps be a Reason for your dismissing the Petition ; but as it regards the Honour and Dignity of this House, as much as it does the Rights and Privileges of the Petitioners, your Lordships ought not, you cannot, I think, in Honour dismiss the Petition, on account of their not having complied fully and exactly with your Order : On the contrary, you ought, in my Opinion, to retain it, that it may serve as the Ground-work of an Enquiry ; and though you cannot now have from the Petitioners all the Information you desire, you ought, in the carrying on of that Enquiry, to take all the Information and Assistance they can and are willing to give you, with respect to the Witnesses it may be proper to examine upon that Enquiry. If, by this Method, any illegal Practices should be discovered ; if, by their Assistance, any great Criminals should be brought to condign Punishment, and thereby the Honour and Dignity of this House vindicated, and the Independency of Parliament secured, they will highly deserve, not only your Lordships Excuse, for their Non-compliance with your last Order, but your Lordships Thanks for the Service they have done to their Country ; and therefore I hope the noble Lord will wave his Motion, and let us proceed to the appointing a Day to enquire
‘ into

‘ into the illegal Practices complained of, by the whole Nation in general, as well as by the Petitioners in particular. Anno 8. Geo. II.
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The Reply was as follows, *viz.*

‘ According to the Method we have lately fallen into, I Reply.
‘ am afraid, my Lords, we shall never be able to come to
‘ the End of any Debate. If upon every new Motion in
‘ any Affair, Lords shall take the Liberty to enter into former Debates, to resume all the Arguments they have, upon former Motions, made use of, and find fault with those Orders and Resolutions, which have been not only agreed to, but agreed to by a great Majority of this House, this will naturally provoke other Lords to justify what they had before given their Consent to; this may probably occasion a Reply; and at this rate, we shall have the whole Business of the Session, perhaps, brought in and repeated in every new Debate: I hope every one of your Lordships will consider, what an endless, intricate Labyrinth this may involve us in, and will therefore keep a little more close to the Question in Hand.

‘ My Lords, in the present Affair your Lordships made an Order, that the Petitioners should lay before this House, in Writing, Instances of those undue Methods and illegal Practices upon which they intended to proceed, and the Names of the Persons they suspected to have been guilty of such undue Methods and illegal Practices; and for this Purpose your Lordships gave them such a sufficient Time, that even they themselves have not found fault with it: This Order they have not complied with, your Lordships have already, by a great Majority, resolved, that they have not complied with it; and is not the dismissing of their Petition, a natural Consequence of that Disobedience in them, and of this Resolution which your Lordships have already agreed to? I shall not, my Lords, enter into a Vindication of that Order, or of that Resolution, because I should thereby fall into that Error, which I find fault with in others: But allow me to say, my Lords, that the Petitioners might have told us who it was, or at least, who they suspected it was, that made use of the King’s Name for inducing any Lord in Scotland to vote for a List; and they might have told us, who it was that promised or gave Money, or other Reward, for voting for a List, without telling us the Names of the Persons with whom such Arguments were made use of; and this, I am persuaded, your Lordships were fully convinced

Anno 8. Geo. II. 'vinced of, before you agreed to that Resolution you have
 1734-5. 'just now come to.

'As the dismissing of the Petition is therefore a natural
 'Consequence of the Resolution your Lordships have agreed
 'to, I cannot see, my Lords, why it should give any Lord
 'in this House so great a Concern; for tho' the Practices
 'complained of, are such as certainly do affect the Honour
 'and Dignity of this House, and the Independency of Par-
 'liament, if there are any good Grounds to suspect that
 'such Practices were actually made use of, your Lordships
 'may, notwithstanding your dismissing the Petition now be-
 'fore you, fall upon many Ways of enquiring into those
 'Practices: I believe, I could myself propose a very pro-
 'per Method, for your Lordships to enter upon such an En-
 'quiry, if I thought there was a Necessity for any such.
 'The Consequence therefore of the Practices complained of,
 'or the Necessity that there may be for enquiring into those
 'Practices, can be no Argument against our dismissing the
 'Petition now before us; and in order to act consistently
 'with the Orders and Resolutions we have already agreed
 'to, we cannot, in my Opinion, avoid dismissing it, for
 'which reason I shall agree to the Motion the noble Lord
 'has been pleased to make.'

When the Question was just going to be put, the
 Earl of *Strafford* stood up, and spoke to this Effect,
viz.

Earl of *Straf-*
ford's Motion for
 a farther Time.

'My Lords, the Motion now before us, is so far from be-
 'ing a natural Consequence of the Resolution agreed to, that
 'it is directly contrary to the usual Method of proceeding in
 'this House, and in all the Courts of Justice in the World.
 'In the whole Course of this Affair, your Lordships have
 'hitherto gone very much into the Methods of *Westminster-*
 'Hall, and therefore I hope you will follow them through-
 'out the whole of the Affair now before you: In all the Courts
 'below, the first Order they make in any Case, is seldom or
 'ever absolute and peremptory: If their first Order is not
 'complied with, they generally make a second, sometimes
 'a third, which is called a peremptory Order; but even
 'with respect to the most peremptory Order, if the Party
 'who is to comply with it, should make some sort of Com-
 'pliance, but by Mistake should not comply with it so fully
 'as he ought to do, surely the Court would give him an In-
 'dulgence, and would assign him a new Day for rectifying
 'that Mistake, especially if he should shew to the Court a
 'plausible

plausible Reason why it was not in his Power to comply Anno 8. Geo. II.
fully with their Order. 1734-5.

This, my Lords, is the Method of proceeding in all the Courts below, and this is the constant Method of proceeding in this House. I remember, when this Affair came first before us, some noble Lords were mighty fond of making it a Cause; and if we look upon it as a Cause, the Motion now before us is very far from being a natural Consequence of the Resolution agreed to: Do not we, my Lords, in all Appeals, make an Order for the Respondent to put in his Answer against such a Day? But the Order is never absolute and peremptory; if the Respondent fails to comply with it, your Lordships never proceed to hear the Cause *ex parte*; you always make a new Order, for the Respondent to put in his Answer against such another Day, which in that Case is called a peremptory Day; therefore, if your Lordships are not satisfied with the Answer already given in by the Petitioners, I hope the noble Lord will wave the Motion he has made, and agree to that I now make you, which is, To adjourn the Consideration of this Petition to this Day seven-night, and to order that the Petitioners may, against that Day, put in a farther Answer to your Lordship's last Order.

But the former Motion being insisted on, the Question was put upon it, which on a Division was agreed to, by 99 to 52, Proxies included.

After which the Petition was, by the Forms of proceeding The Petition rejected.
in that House, of course rejected.

Upon the Motion's being agreed to, for dismissing the Petition, the following Protest was entered upon the Journals of the House, *viz.*

Dissentient.

Somerſet, Tadcaſter, Maynard.

1. **B**ECAUSE, though the Lords Petitioners have not literally complied with the Order, according to the Sense of the House, yet they have laid before us Facts, that are of so criminal a Nature in themselves, and so dangerous in their Consequence to the Nation in general, and to this House in particular, that we think a due Regard to the Safety of the one, and the Honour of the other, required the strictest Examination.

Anno 8. Geo. II.

1734-5.



Scarsdale, Bruce, Bolton, Warrington, Bedford, Suffolk, Shaftesbury, Chesterfield, Craven, Coventry, Foley, Strafford, Abingdon, Boyle, Thanet, Berkshire, Aylesford, Gower, Huntingdon, Mafham, Grabame, Litchfield, Beaufort, Denbigh, Cobham, Bridgewater, Anglesey, Bathurst, Haversham, Northampton, Macclesfield.

Earl of Abingdon's Motion for this Division; at last the Earl of *Abingdon* stood up, and an Enquiry. The House having been silent for some little Time after said in Substance, ' That the Affair they had been upon, was ' a Matter of such Consequence, that he thought it ought ' not to be entirely dropt: That in their former Debate, a ' noble Lord, who was for dismissing the Petition, had told ' them, that tho' the Petition should be dismissed, he could ' put them in a Way of enquiring into the illegal Practices ' complained of; and therefore he hoped that noble Lord ' would stand up, and propose some Method for their entering upon an Enquiry into that Affair.'

Earl of Illy. Upon this the Earl of *Illy* stood up, and spoke to this Effect, *viz.*

' My Lords, I believe the noble Lord has misapprehended ' what I had said in the former Debate; for I did not say, ' nor could mean to say, that I would put your Lordships ' into a Method of enquiring into all the illegal Practices ' complained of, because I never did, nor do yet believe, ' that there ever were any such Practices made use of, except as to the Regiment, which is said to have been kept ' under Arms during the Time of the Election; that I believe there may be some Truth in. That, as I have said ' before, I wish your Lordships would enquire into; and if ' you have a Mind to enter into any such Enquiry, I believe ' I may be able to contrive some proper Method for that ' Purpose; but as I have not yet turned much of my ' Thoughts that Way, I cannot say that I am just now prepared to offer any thing even upon that Head to your Lordships Consideration, nor do I think it absolutely necessary ' to be done this Night.'

Earl of Abingdon's Motion that a Pamphlet might be read. Then the Earl of *Abingdon* stood up again, and spoke in Substance thus, *viz.*

' My Lords, since the noble Lord who spoke last, has declined to offer any Method to your Lordships Consideration, ' give me leave to offer something, which will naturally ' bring

bring you into a Method of making an Enquiry into the Anno 8. Geo. II.
 Affair you have had before you. I have, my Lords, in 1734-5.
 my Hand, a printed Paper, a sort of a Pamphlet, at least,
 I bought it at a Pamphlet-shop, where it was publicly sold,
 and it is entitled, *The Protests of a great Number of noble*
Lords, entered by them at the last Election of Peers for Scot-
land: Whether or no there were any such Protests, then
 entered, is what I cannot pretend to inform your Lordships
 of; but if there were any such, it is incumbent upon your
 Lordships, to enquire into the Practices there complained
 of, and if no such Protests were entered, it is an Indig-
 nity offered to the Peers of *Scotland*, whose Names are
 pretended to be put to them; it is an Indignity offered to
 the sixteen Peers of *Scotland* now in this House, to publish
 any such Forgery; therefore the Publishers ought to be en-
 quired into, and ought to be brought under the Censure
 of this House; for which Reason I desire, my Lords, that
 this printed Paper, or Pamphlet may be read.'

The Earl of *Scarborough* said, 'He thought it was some- Earl of Scarbo-
 thing very extraordinary, to desire a Pamphlet to be read rough.
 at their Lordships Table: It was at all Times below the
 Dignity of that House, to have a Pamphlet read at their
 Table; but to desire any such thing when it was so late,
 was still more improper, therefore he hoped their Lordships
 would adjourn.'

The Earl of *Abington* stood up again, and spoke thus: Earl of Abington,

'My Lords, it is so far from being below the Dignity
 of this House, to have a Pamphlet read at your Table,
 that it is not only an usual Practice, but it is a Right that
 every Lord has, and may insist on. It is a common Prac-
 tice, my Lords, when any Lord of this House thinks, that
 his own Honour, the Honour of this House, or the Ho-
 nour of any Peer of *Great Britain* is reflected on, by any
 Pamphlet that has been published, to make his Complaint
 to the House, and he has a Right to have what he com-
 plains of, read at your Table. Upon such Occasions, I
 know it is usual, to point out the particular Paragraphs,
 or Sentences, in the Pamphlet complained of, and to desire
 that they only may be read at the Table; but in the Pam-
 phlet I now complain of, every Paragraph is worthy of
 your Lordships Consideration, and as it is but short, as it
 will take up but a very few Minutes of your Lordships
 Time, I desire the whole may be read.'

Anno 8. Geo. II. The Earl of *Aylesford* spoke next in Favour of the Motion: but several other Lords still insisting, that a Pamphlet ought not to be read at that Table, the Lord *Bathurst* stood up, and spoke thus, viz.

Lord *Bathurst's*
Motion that the
Protests of the
Scots Peers
might be read.

‘ My Lords, since your Lordships do not seem inclined to have a printed Paper read at your Table, I shall offer you one in Writing. I can inform your Lordships, that such Protests as are mentioned in that printed Paper or Pamphlet, which has been dispersed over the whole Kingdom, were actually entered upon the Journal of the last Election of Peers for *Scotland*, and were signed by a great Number of the Peers of that Kingdom: Of those Protests, I have now in my Hand an authentic Copy, a Copy taken from the Register or Journal of that Election, signed by the two principal Clerks, and witnessed by two Gentlemen, who are now attending in the Lobby, and ready to declare upon Oath, at your Lordship's Bar, that they collated it with the Journal, and that it is a true Copy: The reading of this at your Lordship's Table, I hope, you will not think below the Dignity of this House; and as I think it inconsistent with the Honour of this House to adjourn, notwithstanding its being so late, * without making some Step towards enquiring into an Affair, which so much concerns the Preservation of our Constitution, and which has made so much Noise over the whole Kingdom; therefore, I hope you will immediately proceed to take in- to your Consideration what I now offer, or appoint a short Day for that purpose.’

* Near Ten
o'Clock at Night.

The said Protests are as follow.

The Peers of *Scotland* being met at the *Borough-Room*, in order to chuse proper Persons to represent them in the ensuing Parliament, the Right Honourable the Earl of *Stair* entered the following Protest previous to the Election, viz.

The Protest of
the Earl of
Stair and 18
other Lords.

Whereas this Forenoon, a Battalion of Foot was drawn up under Arms, in the Place called the *Abbey Close*, and there continues under Arms; and, whereas by the Law and constant Practice in all *Britain*, none of the standing Forces can lawfully continue in any Town, or Place, or in the Neighbourhood thereof, during the Time of an Election for Parliament, in that Town, or Place; and that till now, at every Election of sixteen Peers for *Scotland*, the King's Forces march'd out of the Suburbs, and near Neighbourhood of the Town of *Edinburgh*, and did not return till the said Elections

were

were over; therefore I protest for myself and all, who shall adhere to this my Protestation, that the drawing up and Continuance of the said Battalion under Arms in the *Abbey-Close*, or any other Place, in the Suburbs, or near Neighbourhood of *Edinburgh*, during this Election of sixteen Peers of *Scotland*, to sit and vote in the ensuing Parliament, is illegal, and plainly tending to over-awe, disquiet, and forcibly over-rule the said Election; and I, for myself, and others foresaid, protest against all the Consequences, which the said illegal Fact hath, or shall have, and for obtaining Redress thereof in proper Time and Place; and that this Election is and shall be construed not to be free, but to be over-aw'd and over-rul'd illegally. Anno 8. Geo. II. 1734-5.

Sign'd *Stair*, and by 18 other Peers.

Protests were likewise entered against several Persons claiming a Right to vote at this Election; and two others, by the Dukes of *Hamilton* and *Queensbury*, to save their Titles as Peers of *England*. After which the following general Protest was entered by his Grace the Duke of *Hamilton*, viz.

Before giving my Vote at this Election, I think it my indispenfible Duty to protest, that whereas I have strong Grounds to believe that the Peers, who are to vote at this Election, have not all of them been left at Liberty to make a free Choice of such Peers as they shall judge most proper to represent the Peerage of *Scotland*; but that a List of the sixteen Peers hath been named by the Minister, and sent down by his Agent; and that, what I apprehend to be, undue Influence hath been used with many of the Peers of *Scotland*, to engage them to vote for the said List; and more particularly, that I have Ground to believe the said List consists of the sixteen noble Lords afternamed, for whom I have personally the greatest Honour and Respect, to wit, his Grace the Duke of *Atbol*, his Grace the Duke of *Buccleugh*, the Marquis of *Lothian*, the Earls of *Crawford*, *Sutherland*, *Morton*, *Loudon*, *Finlater*, *Selkirk*, *Belcarras*, *Dunmore*, *Orkney*, *Portmore*, *Hopeton*, *Isle*, and Lord *Cathcart*; therefore I do protest, that in case it shall appear, in the Course of this Election, that the List voted is, and hath been, a List so named by the Minister, and that undue Means have been used to induce the Peers, who are to vote at this Election, or any Number of them, to vote for such List, by Promise or Grant of Place, Pension, or Reward, to themselves or their near Relations, or by Threatenings of being removed from Offices, or of any other Kind whatsoever;

General Protest entered by the Duke of *Hamilton*.

Anno 8. Geo. II. 1734-5. ever; that such Election shall be held as illegal, contrary to the Freedom of Elections, and therefore void. And I do hereby protest, that I shall be at Liberty farther to dissent from such Election, if made, and to renew my Protest, and to offer my Reasons and Objections against the same, in a more particular Manner.

Sign'd

Hamilton, Queensberry, Montrose, Roxburgh, Tweeddale, Rothes, Buchan, Strathmore, Haddington, Kincardine, Aberdeen, Duncald, Marchmont, Stair, Glasgow, Roseberrie, Salton, Elphinstone, Napier, Blantyre.

The Lord *Elphinstone* not only sign'd the foregoing Protest, but corroborated the Motives to it by a particular Declaration, relating to himself, in the following Words, *viz.*

The particular
Protest of Lord
Elphinstone.

I *Charles* Lord *Elphinstone* do hereby adhere to the Protest entered by his Grace the Duke of *Hamilton*, concerning undue Influence used by People in Power, for this Election of sixteen Peers to sit and vote in the ensuing Parliament. And I do it for this Reason, that they have attempted such undue Influences upon myself; which Attempts I withstood, and rejected their Offers.

At *Edinburgh*, the 4th Day of *June*, 1734, at the Election of the sixteen Peers aforesaid.

ELPHINSTONE.

The Earl of *Roseberrie* adher'd to his Grace the Duke of *Hamilton*'s Protest, for the same Reason, declaring that it was every way his own Case.

Then came on the Election, and the List before-mentioned being voted to a Man, his Grace the Duke of *Queensberry* entered the following Protest, *viz.*

Protest entered
by the Duke of
Queensberry.

I, in my own Name, and in the Name of such of the Peers of *Scotland* as shall adhere to me, do protest, that the pretended Election of his Grace the Duke of *Atbal*, his Grace the Duke of *Buccleugh*, &c. to represent the Peerage of *Scotland*, is void and null for these, among other Reasons.

1. That it appears from the several Circumstances which have preceded and attended this Election, that this List hath been named by the Minister, and sent down by his Agent, without Regard to the real Opinion and Sentiments of the Peers; and that several of them have been ty'd down either

to give their Votes for this List, or to incur the Displeasure Anno 8. Geo. II.
of the Minister.

1734-5.

2. That, for many Months past, very undue Influence hath been used (as I have Ground to believe, from what hath already passed at this Meeting, and I hope in proper Time to make farther appear) with many of the Peers of *Scotland*, to engage or intimidate them to vote for this List, at least such List as should be put into their Hands, by Promise or Grant of Money, Places, Pensions, or Preferments, civil or military, to themselves or their near Relations; or by Threatenings of removing them, or their near Relations, from Offices they enjoyed; or other Promises, or Threatenings, equally inconsistent with the Freedom of Elections.

3. That I am rather induced to believe that such undue Influence hath been used, because of the many notorious Instances, that have occur'd of undue Practices, with respect to the Elections of the Commoners, by Promise or Grant of Places, civil or military, and Offers of Grants of great Sums of Money, to influence Voters, both in Counties and Burghs, such as hath not been heard of at any Time before, by known Agents of the Minister; and Liberties that have been taken by Returning Officers, in open Violation of the Laws; the Consequences of which must be too plain, as tending entirely to the Destruction of the Freedom of Elections, the Ruin of our Constitution, the sapping the very Foundation of Parliaments, and rendering them intirely dependent, not only upon the Crown, but every assuming Minister.

For these Reasons I do protest, that the present pretended Election of the aforesaid sixteen Peers, to wit, his Grace the Duke of *Atbol*, his Grace the Duke of *Buccleugh*, &c. is void; and that the Election of such sixteen Peers as have the greatest Number of Votes, setting aside the above List named by the Minister, is the only fair and free Election, and they alone are entitled to represent the Peerage of *Scotland* in the ensuing Parliament. And I do protest, for my part, that I have given my Vote for the List, for which I have voted in Consequence of my free Choice, without any undue Influence used upon me; and that I have endeavoured to use no undue Influence upon any Peer whatsoever to concur with me in that Choice; and I require you, Mr. *James Justice* and Mr. *John Murray*, Clerks of Session officiating at the said Election, to extract from the Minutes of Election, and deliver to me a Certificate of such sixteen Peers as have

Anno 8. Geo. II. the greatest Number of Votes, setting aside the above List
 1734-5. named by the Minister.

Sign'd *Queensberry*, &c. as in the preceding Protest.

When the Earl of *Kincardine* sign'd this Protest, he reserv'd to himself a Power of making any farther Declarations of Matters within his own Knowledge, when called upon by any proper Court, or Authority.

N. B. The List on which the Minority fell was as follows, viz. Duke of *Hamilton*, Duke of *Montrose*, Duke of *Queensberry*, Duke of *Roxburgh*, Marquis of *Tweeddale*, Earl of *Stair*, Earl of *Marchmont*, Earl of *Rothes*, Earl of *Haddington*, Earl of *Caithness*, Earl of *Buchan*, Earl of *Aberdeen*, Earl of *Dundonald*, Earl of *Strathmore*, Earl of *Glasgow*, and Lord *Elphinstone*.

Motion to adjourn carried.

Upon the Issue of the Debate, it was moved to adjourn, and the Motion being insisted on, the Question was put, which was carried in the Affirmative, by 73 to 39.

Whereupon the following Protest was entered upon the Journal, viz.

Dissentient.

Protest thereon.

BEcause we can by no means think it consistent with the Honour of the House to adjourn, without appointing a Day (as was proposed) to consider of a Matter, allowed universally to be of the highest Importance: And we have Reason to apprehend, that Posterity, upon the Perusal of the Journal of this Day, may be induced to think, that this House was not inclined to permit the Transactions of the late Election in *Scotland* to be brought under Examination, in any Shape whatsoever; the Method proposed being, as we conceive, clear of all the Objections which were made, in relation to the Petition.

Scarsdale, Bruce, Bolton, Warrington, Bedford, Suffolk, Strafford, Abingdon, Boyle, Thanet, Shaftsbury, Berkshire, Aylesford, Gower, Litchfield, Beaufort, Denbigh, Cobham, Bridgewater, Anglesey, Bathurst, Haversham, Chesterfield, Huntingdon, Craven, Mafham, Northampton, Coventry, Grabame, Macclisfield, Foley, Maynard.

ON *Thursday* the 6th of *March*, a Motion was made in the House of Lords, 'That an humble Address should be presented to his Majesty, that he would be graciously pleased to give Direction, that the several Instructions to Mr. Woodward, his Majesty's Minister in *Poland*, in the Year 1729, should be laid before the House.'

Motion for Instructions to his Majesty's Minister in *Poland*.

The Argument for it was to this Effect, *viz.*

'My Lords, as we are, many us, by our Birth, and all of us, by those Honours which our Kings have conferred upon us or our Ancestors; not only entitled, but obliged to give his Majesty our best and most sincere Advice, in all arduous Affairs; one of the chief Ends of our meeting in this House, is to consider the State of the Nation, both with respect to foreign and domestic Affairs, in order to give our King, upon every considerable Emergency, that Council which we think may tend most to his Glory and the Interest of the Nation; for which End it is necessary for us to have all those Treaties, Negotiations, and other Papers laid before us, which may be necessary for our Information in any Affair, in which it may be incumbent on us to give our Advice; and for this Reason, it has always been the Custom and the Right of this House, to call for all such Papers, and to consider them deliberately, before we ever offered to give our Advice to the Crown.

'I believe, my Lords, it will be granted, that, with respect to our Foreign Affairs, there never was a more critical Conjunction than the present; there never was a Conjunction when it was more necessary for us to consider the State we are in, or more incumbent upon us to offer our best and our sincerest Advice to our Sovereign; nor was there ever a Conjunction, when the King could stand more in need of honest and upright Council: The Eyes of all Europe are now fixed upon the Behaviour of *Great Britain*; and by our Behaviour in the present Conjunction, both the Honour and Interest of the Nation, nay even the Liberties of *Europe*, may be either sacrificed or preserved. In such a Conjunction, can we perform our Duty to our Country or our King; can we answer one of the chief Ends of our meeting in this House; without examining into the State of our foreign Affairs, and offering our most deliberate Advice to our Sovereign? Upon such an Occasion, we are not to wait till his Majesty shall be prompted, by those about him, to ask our Advice; because, if by them he has been misled in any former Steps, we may depend on it, they will

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'endeavour,

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endeavour, as much as they can, to divert his Majesty from applying to Parliament for Council, when they are certain that by such an Application their Conduct would come to be examined into and highly censured: No, my Lords, this House is his Majesty's highest and most natural Council; we are in Duty bound to give him our Advice upon every important Emergency; and, upon an Emergency of such Importance as the present, his Majesty's having made no Application to this House for Advice, is, with me, a strong Argument, that he has been misled, in some late Measures, by those about him; and that, by them, he is diverted from applying where he is always sure to meet with honest and upright Council; and therefore I must think, we have the greater Reason to enquire into the present State of our Affairs, and offer that Advice which shall appear the most consonant to our present Circumstances.

This Consideration, my Lords, makes it the more necessary for us speedily to offer his Majesty our Advice, upon the present Posture of Affairs in *Europe*; and, as in this we cannot pretend to give any Advice, without being fully informed as to the Sources and Causes of the present War; it is therefore absolutely necessary to have laid before us, all the Papers relating to our late foreign Transactions. Among the many foreign Transactions we have been lately engaged in, those relating to *Poland* are, at present, the most necessary for us to enquire into; because the late Transactions in that Kingdom are said to have been the sole Cause of the present War; therefore it is impossible for us to give any Advice, about the present Posture of Affairs in *Europe*, without examining whether we had any, and what Share in those Transactions; and, as in the Year 1729, the late King of *Poland* was dangerously ill of the Distemper, of which he afterwards died; as every one even then judged his Life could not be of any long Continuance; and as every one likewise judged, that his Death might very probably produce a Combustion in *Europe*; it is very reasonable to suppose, that Measures for the Election of a future King were then begun to be concerted: Therefore I think we ought to know, whether we had any Share in those Measures, before we offer any Advice to his Majesty, upon the present Posture of Affairs; for which Reason I shall beg leave to make as modest a Demand as can well be made in the present Conjunction, which is, That an humble Address, &c. (as before-mentioned.)

To this it was answered in Substance as follows, *viz.*

My

‘ My Lords, I shall agree with the noble Lord, that this House has a Right to call for any Papers that may be necessary for our Information, with respect to any Affair we are, or ought, to enquire into ; but, to the Honour of this House, my Lords, I must add, that That Right has been always hitherto used with great Prudence and Caution : We have never yet called for any Papers, by which the Secrets of the Government might be any way divulged, or the Affairs of the Nation brought into any Distress.

‘ Upon the present Occasion, my Lords, if his Majesty had found it necessary to apply to this House for Advice, he would certainly have done so ; and he has too much Penetration, to allow himself to be diverted by those about him, from doing what may be necessary upon any Emergency, either for his own Glory, or the Interest of his People : But from what his Majesty has told us from the Throne, we may easily see the Reason why he has not as yet made any such Application : His Majesty has told us, that he was no way engaged in any of those Measures which gave occasion to the present War ; and consequently he can have no manner of Concern in it, unless some of the Parties engaged should begin to push their Conquests, or their Views, farther than is consistent with the Preservation of the Balance of Power in *Europe* : Whenever this happens, it will become necessary for this Nation to interfere ; and in any such Event, we need not doubt but his Majesty will take all proper Methods to have the best Advice ; but as any such Event must necessarily involve this Nation in great Danger and great Expence, therefore his Majesty is now pursuing that which will redound most to his own Glory, and to the Safety and Advantage of the Nation ; he is endeavouring to put an End to the War by a solid and lasting Peace : And as he is now acting the Part of Mediator, between the two contending Parties ; as he has already offered to them a Plan of an Accommodation ; it is necessary for him to keep in as good Terms as possible with all the Parties engaged, till he shall see what may be the Event of that Plan.

‘ Though I do not know, my Lords, nor do believe, that any of the Powers now engaged in War, can have just Reason to be displeased with the Part this Nation acted, with respect to the Affairs in *Poland* in the Year 1729 ; yet if all the Instructions and Letters sent to our Minister in *Poland* at that time, and all his Letters from thence, should be made public, I do not know but some one or other of the Powers now engaged in War, may find fault with some of them ; which would, of course, very much embarrass

Anno 8. Geo. II. ^{1734-5.} his Majesty's Negotiations, for restoring the Peace of *Europe*, and, thereby, preventing this Nation's being involved in a dangerous and expensive War; if not render them altogether ineffectual. I hope the Instructions and the Letters now moved for, were as wisely drawn up, and as cautiously worded, as it was at that Time possible; but it was impossible to foresee all the various Events which have since happened; and had these Instructions been drawn up by the wisest Ministers that ever were in this Nation, or in any Nation, it is not to be supposed, but that there may be some Expressions in them, which may disoblige some of the contending Powers; or may, at least, render some of them jealous and suspicious of his Majesty's Impartiality at present; which, of consequence, may very probably disappoint those Measures his Majesty has now concerted for restoring the Tranquillity, and preserving the Balance of Power in *Europe*.

With regard, my Lords, to the Transactions in *Poland* in the Year 1729, we must suppose that our Minister had Instructions to favour the Party for *Stanislaus*, or the Party for the then Electoral Prince of *Saxony*, or that his Instructions were to favour neither of the Parties that then began to appear in *Poland*; but to watch the Motions and Measures of each of them, without declaring on one Side or the other. If his Instructions were to favour the Party for *Stanislaus*, the publishing of them would then certainly disoblige all those who are now engaged to support the Election of the present Elector of *Saxony*; and if his Instructions were to favour the then Electoral Prince, now Elector of *Saxony*, the publishing of them would, in the present Conjunction, as certainly disoblige all those, who are now engaged to support the Election of *Stanislaus*: In either of which Cases, a Jealousy would be raised against his Majesty, which would probably disappoint the Plan lately concerted for an Accommodation.

But, my Lords, suppose that the Instructions given to our Minister then in *Poland*, were to act an exact neutral Part; yet we cannot well suppose them so cautiously penned, but that one Side or other may take Exceptions to them; which would diminish in some one or other of the Parties now engaged in the War, that Confidence which they at present repose in his Majesty, and which it is necessary to keep up, in order to render his Majesty's Mediation successful: And if we could suppose them so cautiously penned, as not to give the least Offence; upon such a Supposition it must be granted, that we can expect no Information from them, in relation to the present War: We cannot from thence
 . . . discover

‘ discover, what were the Springs and the Causes of the War, Anno 8. Geo. II.
 ‘ which may be very different from those publicly assigned ; 1734-5.
 ‘ and, if the whole Truth were known, I am apt to believe it
 ‘ would appear, that the late Transactions in *Poland*, were
 ‘ none of the Causes of the present War, or, at least, that
 ‘ they contributed but a very little towards it, by being a
 ‘ sort of Cloak for covering those Designs, which were the
 ‘ real Motives of the War. Thus, my Lords, the making
 ‘ public those Instructions and Papers which are now called
 ‘ for, must be of great Prejudice to his Majesty’s Affairs, in
 ‘ every supposable Case but one ; and in that one Case they
 ‘ can be of no Service, nor afford any Lights to this House,
 ‘ with respect to what your Lordships desire to be informed
 ‘ about : For this Reason, I think it is not only quite unne-
 ‘ cessary, but very improper to present to his Majesty any
 ‘ such Address as has been proposed ; because, though the
 ‘ particular Transactions then carried on in *Poland*, are now
 ‘ at an End, yet the Consequences of them are so far from
 ‘ being at an End, that they are now pretended to be the
 ‘ Cause, and the chief Motive for entering into the present
 ‘ War against the Emperor ; and therefore I shall be against
 ‘ calling for, or publishing any Papers, which may, in the
 ‘ least, relate to those Transactions and Negotiations now
 ‘ upon the Anvil in *Europe*.’

The Reply was to the following Effect, *viz.*

‘ My Lords, there is no Lord in this House, nor any
 ‘ Man in the Kingdom, who has a greater Regard for his
 ‘ Majesty, or a better Opinion of his Majesty’s Wisdom and
 ‘ Penetration than I have ; but my Duty to his Majesty, as
 ‘ a Member of this House, obliges me to offer my best and
 ‘ most sincere Advice in any Affair, which I look upon as
 ‘ an Affair of Importance ; and my Duty to my King, as
 ‘ well as my own Honour, forbid me to offer my Advice in
 ‘ any Affair, till I have that Information which I think ne-
 ‘ cessary for that Purpose. It has been so often said in this
 ‘ House, that I am ashamed to repeat it ; but upon this
 ‘ Occasion I must again take Notice, that Speeches from
 ‘ the Throne are, in this House always considered as Speeches
 ‘ from the Ministers for the Time being ; and therefore we
 ‘ are never to be confined or restrained in our Debates, by
 ‘ any thing that has been said to us from the Throne :
 ‘ Whether we have any Concern in the present War, or
 ‘ whether we were any Way engaged in those Measures which
 ‘ gave Occasion to the present War, is, for this Reason, a
 ‘ Question, that no Lord, as a Member of this House, can be

Anno 8. Geo. II.
1734-5.



as yet satisfied about; because we have as yet made no Enquiry into it, nor can make an Enquiry till a great many Papers, particularly those now called for, are laid before us.

As for the Plan for an Accommodation, which it is said has been offered to the Parties now engaged in War, I must declare, my Lords, I know nothing about it; and every one of your Lordships, when you speak as Members of this House, must declare the same, because it has never yet been communicated to the House; and therefore I cannot well say any thing about it; nor can I know what may be prejudicial or advantageous in it. I do not know, my Lords, what sort of Plan it is; but if it be such a Plan, or any thing like the Plan that has been published in the *Dutch Gazettes*, we have no great Reason for being fearful of doing any thing that may prevent its being effectual; for I am convinced it will never produce an Accommodation, it can never have any Effect, unless it be to engage this Nation in the War, whether it be our Interest or Inclination so to do or not.

It is impossible, my Lords, that any War can break out in *Europe* in which this Nation has no Concern: If we have no particular Obligation upon us, if we have no particular Interest to engage us to take a Share in the War, yet we ought to take every such Opportunity to settle the Disputes we may have with either of the Parties, or to obtain Advantages in our Trade from every one, or at least from some of the Parties engaged in War; and it would be a very high Misdemeanor in those who are, or at any such Time may be, at the Head of our Affairs, to neglect or let slip any such Opportunity. The Balance of Power, my Lords, is what we ought always to have an Eye to, but I cannot think it is at present, or is like to be, in any great Danger; and the Advantage of our Situation is such, that we may always be, and therefore we ought always to be, among the last Princes and States in *Europe*, to give ourselves much Trouble about it, or to engage in its Preservation; for if we do not give ourselves an unnecessary Trouble about it, the Princes and States upon the Continent will take Care of it among themselves; and if, in any Case of Extremity, we find ourselves at last obliged to engage, we ought to take that Opportunity to settle all Disputes we may have, and to reap all the Advantages in Trade we may expect from any of those, in favour of whom we engage; and when by our Means the Balance of Power is to be re-established, and Peace to be restored, we have then an Opportunity of settling all former Disputes with

with the Parties against whom we engage, and of obtaining new Advantages from them. This, my Lords, ought to be the fundamental Maxim of all our Negotiations and Engagements; but I am afraid we have for some Years had our Heads so full of the Balance of Power being in Danger, and have been so ready upon all Occasions to frighten ourselves with that Phantom, that we have not only neglected, but have, upon all Occasions, sacrificed the particular Interests of this Country to our imaginary Apprehensions about the general Interest of *Europe*. There was never a better Opportunity than the present, for settling all the Disputes this Nation may have with either of the Parties engaged in War; there was never a better Opportunity, for this Nation's acquiring new Advantages in Trade from every one of them; and I hope it will not be neglected; for I shall have a poor Opinion of our Negotiators, if a Peace be restored without obtaining some considerable Advantages for this Nation.

With regard, my Lords, to the Instructions sent to our Minister in *Poland* in the Year 1729, I shall not pretend, so much as to guess at what they were; but it was certainly the Interest of this Nation not to intermeddle, either in favour of the Party for *Stanislaus*, or in favour of the Party for the Electoral Prince of *Saxony*: It was our Business, and would have been our Glory, to protect that Republic in her Freedom of Choice; and the proper Instructions to be sent to our Minister on that Occasion, were only, to endeavour to sound the Views and Inclinations of the leading Men of that Nation, in order to take our Measures accordingly, when the Throne should become vacant by the Death of the then King of *Poland*; and that we might in time prepare, to make the best of what was most likely to be the Consequence of that important Event. If these were the Instructions sent, no Power in *Europe* can have any just Ground to complain of our Conduct; and if any of them should make any unjust and frivolous Complaints, or conceive any groundless Suspicions, they are not to be regarded. But, granting that this is the Case; granting that our Conduct at that Time was unexceptionable; is it not highly necessary for us to know this before we offer any Advice to his Majesty? My Lords, it is so necessary, that without it we cannot offer any sincere Advice; it would be dishonourable, or at least rash in us to attempt it; for, tho' the Affairs of *Poland* may not be the chief Causes of the War, yet it is certain, that, with respect to *France*, they are the chief Motives pretended; and for the other Causes of the War, we must search into other late Trans-

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actions, and have the proper Papers laid before us for that purpose.

‘ But, my Lords, if, with respect to the Affairs of *Poland*, we favoured either of the now contending Parties, it is absolutely necessary for this House to enquire into them, and for that End to have the Papers now moved for, laid before us; such an Enquiry will be so far from being attended with any mischievous Consequences, that the Neglect of it may be of the most fatal Consequence, both to this Nation, and to the Liberties of *Europe*; for whatever Side we favoured, it cannot be supposed that any of our Endeavours are now a Secret to those of the other Side of the Question. If we favoured the Design of those who were for setting *Stanislaus* upon the Throne, we must have concerted Measures with the Leaders of that Party in *Poland*; and as some of those who were then among the Leaders of that Party in *Poland*, are now in the Interest of the Elector of *Saxony*, can we suppose that any of our Endeavours in favour of *Stanislaus*, or the Instructions given to our Minister for that Purpose, are now a Secret to the Elector of *Saxony*, or to any of the Powers now engaged to support his Election? So that whatever our Instructions may have been upon that Head, they cannot now be a Secret any where but in this House, where they ought to be known, and ought to be strictly enquired into; for it is impossible to imagine that the Powers of *Europe*, who now support the Elector of *Saxony*, will ever put any Confidence in this Nation, or join cordially with us in any Measure, while those Persons, who formerly advised such Measures, have any Influence in our Councils: Nor can the Nation, with Honour, propose any Terms of Peace, much less engage in a War, for defeating those very Measures which have been concerted in Conjunction with us: We cannot at least propose any such Terms of Peace, or engage in the War on such a footing till we have made Examples of those who engaged us in such destructive Measures.

‘ On the other hand, if we suppose that the Instructions sent at that Time to our Minister in *Poland*, were, to favour that Party who were for placing upon their Throne the Electoral Prince, now the Elector of *Saxony*; those Instructions must have been communicated to all the chief Officers of State, particularly to those of them who then appeared at the Head of the *Saxon* Party in *Poland*; and, as many of them are now in the Interest of *Stanislaus*, can we suppose that those Instructions are now a Secret to any of those Powers, who are now engaged to support
the

the Election of that Prince to the Throne of *Poland*; or that they will look upon this Nation as impartial, or with any Confidence accept of our Mediation, as long as those very Persons who joined in such Measures against them, have any Influence in our Councils? So that if we have a sincere Inclination, which I think we ought to have, to prevent this Nation's being engaged in the War, we ought to enquire into our Transactions in *Poland*; and, for that Reason, ought to have the Papers, called for, laid before us: But, moreover, if it should appear, that the Emperor has been attacked for pursuing those very Measures he had concerted with us; is not this Nation in Honour obliged to defend him against such an Attack? Or at least, we ought to punish those who engaged the Faith of this Nation, in Measures, which it was not our Interest to pursue.

Anno 3. Geo. II.

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Thus, my Lords, in every supposable Case, it is the Duty of this House not only to call for those Instructions, but to examine them strictly, before we can pretend to give his Majesty any honest or sincere Advice, in relation to the present Posture of Affairs in *Europe*. If the Instructions were right, we ought to know it before we can give our Advice; and it is impossible the publishing of them can produce any bad Effect: If they were otherwise, they can produce no worse Effect than they have done already; and it is necessary they should be examined into, and the Persons punished who advised them, before we can suppose that his Majesty's Mediation will have any Effect towards restoring the Peace of *Europe*, or preventing its being necessary for this Nation to engage in the War.

The Question was then put upon the Motion, which Question carried upon a Division was carried in the Negative, by 71 to 29. in the Negative.

The Motion was made by the Earl of *Chesterfield*; and Speakers the Speakers in Favour of it were, the said Earl of *Chesterfield*, the Lord *Bathurst*, the Lord *Carteret*, and the Earl of *Winchelsea*: The Speakers against it were, the Duke of *Newcastle*, the Earl of *Illy* and the Lord *Hardwick*.

Immediately after this Division the following Motion Motion relating was made in the House, viz. 'That an humble Ad- to the Treaty of dress should be presented to his Majesty, that he would *Seville* be pleased to give Direction, that the Letters and Instructions sent to his Majesty's Ministers at the Courts of

1734-5.

H h h 2

' France

Anno 8. Geo. II. ' *France and Spain*, relating to the Execution of the Treaty
 1734-5. ' of *Seville*, should be laid before the House.'

This Motion likewise occasioned some Debate, in Effect as follows, *viz.*

Argument for it. ' My Lords, notwithstanding the Fate of the former Motion, I will beg leave to make another, which I hope will have better Success; but before I make the Motion I intend, I desire his Majesty's Speech to both Houses of Parliament, at the Opening of the Session, in the Year 1730-1, may be read.' (The same was read accordingly.) ' In that Speech you may observe, my Lords, his Majesty informed us, in general, of the Difficulties that were like to attend the Execution of the Treaty of *Seville*. And then says, *The Plan of Operations for the Execution of the Treaty of Seville by Force, in Case we should be driven to that Necessity, is now under Consideration.*— From these Expressions, and from what fell from a noble Lord in the former Debate, who told us we were to look for the Springs and Causes of the present War somewhere else than in the Instructions given to our Minister in *Poland*, I think it absolutely necessary for us to see the Letters and Instructions sent to our Ministers at the Courts of *France* and *Spain*, in relation to the Execution of that Treaty; for in that Treaty, and in the Negotiations that were carried on for the Execution of that Treaty, I am, indeed, very much persuaded, we are to look for some of the chief Springs and Causes of the present War; at least, I am very sure, we cannot pretend to give his Majesty any Advice with respect to the present War, without seeing that Plan of Operations which was concerted for the Execution of that Treaty, and those Negotiations that were carried on for concerting that Plan, and for making it effectual after it was concerted; and therefore my Lords, I shall move, &c.' (as above-mentioned.)

To this it was answered, in Substance, as follows, *viz.*

Answer.

' My Lords, I must say, I am a great deal more surprised at this Motion than I was at the former; for, as the Affair of *Poland* is made at least the Pretence of the present War, it might be suspected that the late Transactions in that Kingdom were the chief Causes of the War; but I am sure it is impossible to imagine that any of the Letters or Instructions relating to the Execution of the Treaty of *Seville*, can have any Concern with the Motives

tives of the present War; because, whatever Measures Annō 8. Geo. II.
 were concerted for the Execution of that Treaty by Force, 1734-5.
 it is certain, that no such Measures ever took Effect:
 We all know, that the Treaty of *Seville* was soon after
 fully executed in an amicable and friendly Manner, by
 the Conclusion of the Treaty of *Vienna*; therefore the
 Treaty of *Vienna* is the only Paper that can properly
 have any Relation to the Execution of the Treaty of
Seville, and the only Paper from which we can have
 any Information in relation to the Execution of that
 Treaty.

Therefore, my Lords, as there can be no Relation be-
 tween the Papers now called for and the Causes of the
 present War, there can be no Reason for our desiring
 them to be laid before us on the present Occasion: But
 farther, my Lords, it would be very improper, and cer-
 tainly very dangerous, to make those Papers public at
 such a Conjunction as the present; because there may be
 several Things in them, that might break off that good
 Correspondence, which now subsists between his Majesty
 and all the Powers engaged in the present War; and,
 which is certainly necessary to keep up, till the Plan of
 Peace, concerted by his Majesty and his Allies, shall be
 either accepted or rejected: For if it be accepted, and
 Peace restored upon safe and honourable Terms, this Na-
 tion will be freed from the Danger of being involved
 in a heavy and expensive War; a Danger which we can-
 not avoid, if the Plan be rejected, and the War long
 continued; therefore I hope this House will never agree
 to do any thing that may give the least Occasion or Pre-
 textence for rejecting of that Plan: And whatever some
 Lords may be pleased to say of that Plan, I doubt not
 but it will appear to be a reasonable and a good Plan;
 because in the forming of it the *Dutch* Ministers concur-
 red with ours; nay, I believe, were the first and the
 principal Persons concerned in the drawing it up: I be-
 lieve it was originally formed by as wise and as honest
 a Minister, as ever had the Direction of the Affairs of the
 States General; and his Draught was approved of by
 all those, who have any Share in the Administration of
 their Affairs: So that whatever may be said or thought of
 our own Ministers, I hope every Lord in this House will
 do the *Dutch* Ministers, especially that great Man, who
 has now the chief Direction of their Affairs, the Justice
 to think, that they would neither have drawn up nor
 approved a ridiculous Plan, or a Plan which they thought
 would not be effectual; and I believe I may say, that if
 that

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that Plan, or something very like it, be not effectual, it will from thence appear, that some of the Parties now engaged in War, have Views which they have not yet thought fit to own, and that both the *Dutch* and we will think it necessary to join in the War, in order to prevent the Accomplishment of such dangerous Designs. The discovering of those Views, if there be any such, is certainly one of the chief things intended by that Plan; the sooner they are discovered, the more easy it will be to defeat them; and I hope your Lordships will do nothing that may defeat the Design of the Plan, which your agreeing to the present Motion would very probably do; because it might furnish a Pretence to some of the Parties engaged in War, to reject the Plan, without being obliged to discover their real Designs.

But in short, my Lords, every Argument that was offered against the former Motion, is certainly equally strong against this; and as your Lordships have thought fit to disagree with the former Motion, I make no doubt of your disagreeing likewise with this.

The Reply was to the following Effect, *viz.*

Reply.

My Lords, whatever may be my own private Opinion, I have so great a Deference for the Opinion of this House, that if there were no Difference between this and the former Motion, I should not have stood up to have said any thing in its Favour; but I hope when your Lordships consider it, you will see that there is a very great Difference, between the Papers now called for, and the Papers called for by the former Motion; for tho' the Transactions to which the former Motion related, happened several Years ago, yet it cannot be said, that the Affair is quite at an End, because the Dispute about the Election of a King of *Poland* is still subsisting; and for that Reason many of your Lordships might think it improper to have any Papers published, which any way related to that Dispute: But in the Case now before us, there is no Foundation for such an Argument; the Affair relating to the Execution of the Treaty of *Seville* is now quite at an End, the Treaty has been fully executed in all its Parts, except so far as relates particularly to this Nation, I mean, my Lords, with respect to the Depredations committed upon our Merchants by the *Spaniards*; and, as Satisfaction was due to us by the Law of Nations, I hope we have made no Promises, nor used any Arguments that can possibly disoblige any Power in *Europe*, not particular-

' ticularly concerned in that Affair : Indéed, if the Doctrine Anno 8. Geo. II.
 ' of Consequences takes place, if we must never call for
 ' Papers relating to any Transaction, as long as its Con- 1734-5.
 ' sequences are upon the Anvil, I doubt much if this House
 ' can ever call for Papers relating to any Transaction, that
 ' has happened for at least a Century past ; for every Trans-
 ' action must be the Consequence of some former, perhaps
 ' a great many former Transactions, so that we would ne-
 ' ver call for the Papers relating to any Transaction, as
 ' long as the Persons concerned in it were alive, which
 ' would indeed be an excellent and a safe Doctrine for Mi-
 ' nisters ; but for that very Reason, I hope it will never
 ' be received within these Walls.

' I shall readily admit, my Lords, that the Consequences
 ' of the Treaty of *Seville* are now upon the Anvil : I shall
 ' readily admit that the present War is a most natural Con-
 ' sequence of the Treaty of *Seville*, and of the Negotia-
 ' tions that were afterwards entered into, for executing that
 ' Treaty by Force : And I am so far from thinking that
 ' those Negotiations, or the Papers relating to them, can
 ' have no Relation to the Causes or Motives of the present
 ' War, that I am convinced the War is chiefly owing to
 ' that Treaty, and the Measures that were concerted for its
 ' Execution. By that Treaty, the ancient Union and in-
 ' timiate Correspondence between *France* and *Spain* were re-
 ' stored ; and by the Introduction of *Spanish* Troops into
 ' *Italy*, we not only opened a Way for the *Spaniards*, but
 ' by that very Step, we lost the King of *Sardinia*, by
 ' which we opened a Way likewise for the *French* into the
 ' same Country, and thereby united those three Powers in
 ' that close Confederacy, which occasions the present Dis-
 ' turbance in *Europe*.

' But, my Lords, though the present War be a most na-
 ' tural Consequence of the Treaty of *Seville*, and the future
 ' Negotiations for the Execution of that Treaty, I am so
 ' far from thinking this a good Reason for our not calling
 ' for any Papers relating to the Execution of that Treaty,
 ' that I think it is a most convincing Argument, for our en-
 ' quiring strictly into all those Transactions ; and there is no
 ' Danger to be apprehended from publishing any Paper re-
 ' lating to them : There can be nothing in any of those Pa-
 ' pers that can possibly disoblige either of the three Powers
 ' now united against the Emperor, more than we have al-
 ' ready done by the Treaty of *Vienna* ; and if there be
 ' any thing in either of those Papers, which might at that
 ' Time have been disobliging to the Emperor, we have
 ' since sufficiently atoned for it, by the unlimited Guaranty

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of the Pragmatic Sanction, which the Honour of this Nation now stands charged with by the Treaty of *Viena*; so that it is not possible to conceive, how there can be any thing in the Papers now called for, that may tend towards defeating the Plan which has been concerted for restoring the Peace of *Europe*, and which the noble Duke says, will appear to be a wise and a good Plan.

As I know nothing, my Lords, about this Plan, I shall not pretend to say, what it will appear to be; but if it should appear to be a wise and a good Plan, I am sorry to find, that the *Dutch* only are to have the Honour of it; for as we have been at all the Expence both in concerting it, and in endeavouring by our Preparations, to make it effectual, it was, I think, but reasonable, that we should have had a Share of the Honour. However, let the Plan be what it will, it can receive no Prejudice from any of the Papers now moved for: It is impossible that either of the Parties engaged in War can from thence find any Colour of Reason for rejecting the Plan; and if, from frivolous Pretences, they reject it, their real Designs will appear as evident, as if they had rejected it without giving any such Reason. But, my Lords, whatever may become of the Plan, the present Posture of Affairs is of so great Importance, that we cannot, in Honour, neglect giving his Majesty our Advice; and it is impossible for this House to give him any Advice, without seeing the Papers and Instructions now moved for. Indeed, if the Plan should be rejected, we must then see a great many other Papers, before we can pretend to be so thoroughly acquainted with the Circumstances of Affairs, as to be able to give any reasonable Advice, with respect to those Measures, which his Majesty ought in that Case to pursue.

Question carried
in the Negative.

The Question being then put, it was upon a Division, carried in the Negative, by 72 to 29.

Speakers.

This Motion was made by the Lord *Bathurst*, and supported by the Earl of *Chesterfield* and the Lord *Carteret*. The Speakers against it were the Lord *Hervey* and the Duke of *Newcastle*.

Lord Carteret's
Motion for Al-
lotments of Quar-
ters.

As soon as this Division was over, the Lord *Carteret* stood up and made the following Motion, *viz.* 'That an humble Address be presented to his Majesty, that he would be pleased to give Directions to the proper Officer or Officers, to lay before this House, the several Allotments of Quarters which had been made for his Majesty's Land Forces

in

' in Great Britain, since the 25th Day of March last.' Anno 8. Geo. II.
Which Motion was agreed to without any Debate or Division.

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ON Thursday the 13th of March the Mutiny Bill was, according to Order, read a second time in the House of Lords, and ordered to be committed: But as soon as the Motion for committing was agreed to, a Motion was made, ' That an Instruction should be given to the Committee on that Bill, to receive a Clause for providing, ' That the Number of Land Forces to be mentioned in the Preamble, and subjected to the Penalties of that Bill, ' should not exceed 17,704.'

Motion against augmenting the Army, with the Debate upon it.

Upon this Motion there was a long Debate, in which the Arguments made use of for the Motion were to this Effect, viz.

' My Lords, altho' I have agreed to the committing of this Bill without any Objection, yet I cannot but take Notice of the Number of Forces mentioned in the Preamble. The Number of Forces kept up last Year, was much greater than I thought necessary for the Defence of our Country, and much greater than I thought consistent with the Safety of our Constitution; but by the Bill now before us, I find, even that Number is now to be greatly increased; and why a greater Number is now necessary or safe, I cannot comprehend. I have always thought myself obliged, as a Member of this House, to take notice of every thing that might occasion any additional Burden to be laid upon the Subject; or that might, in my Opinion, be of dangerous Consequence to the happy Constitution of this Kingdom; and I have always thought it my Duty, not to give my Consent to either, till I heard some very sufficient Reasons for convincing me that it was necessary. This, my Lords, is what makes me now stand up; for I have always been of Opinion, and I think it has generally been admitted, that the keeping up of a great Number of regular Troops within this Island, in time of Peace, is of the most dangerous Consequence to our Liberties; and the encreasing that Number upon any Occasion, must oblige us to lay new Burdens upon the People.

' As the Circumstances of Europe are now much the same they were last Year, if no greater Number had been proposed for the ensuing Year, I have so great a Respect for the Opinion this House was of the last Session of Parliament, that, though I am still of a different Opinion, I

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should

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should not have given your Lordships any Trouble upon the present Occasion; but since a great Addition is now to be made, to that which last Year I thought too great a Number, I expected that some of the noble Lords, who are in the Secret of our Affairs, would have stood up and shewn us the Necessity for this Augmentation: This I not only had Reason to expect, but I am, in Honour, obliged to insist upon it, before I give my Consent for keeping up the Number now proposed; and every Lord of this House, who is in the same Circumstances with me, has Reason to expect the same, and lies under the same Obligation to insist upon it. There may be, for what I know, a very urgent Necessity for this Augmentation, but I desire to have that Necessity explained to us; for if this House should ever come into the Method of encreasing our Fleets and our Armies, and loading our People with Debts and Taxes, for no other Reason, but because the Ministers tell us it is necessary, the Parliament of *Great Britain* will soon come to be of the same Nature with the Parliament or States of the Province of *Brittany*, or of any of the other Provinces of *France*; we may perhaps continue to meet in this House, but we shall meet here for no other End but to approve of what our Ministers may be pleased to inform us of, and to give a parliamentary Sanction to whatever they may be pleased to propose.

The chief Reason, therefore, my Lords, for my standing up, is to demand, that some noble Lord, who is better acquainted than I am with the present Circumstances of the Nation, especially with respect to our foreign Affairs, would stand up in his Place, and explain to us the Necessity for our making the Augmentation proposed; for, unless that Necessity be fully explained to us, I hope your Lordships will agree to the Motion I now make, which is, That there may be an Instruction to the Committee upon this Bill, to receive a Clause, &c. (as above-mentioned.)

The Answer to this was in Substance as follows, *viz.*

Answer.

I shall readily admit, my Lords, that the keeping up of a numerous standing Army within this Island, in Time of Peace, is of the most dangerous Consequence, and absolutely inconsistent with our Constitution; I shall likewise admit, that no Augmentation can be made to our Army, without laying some additional Burden upon the People; and therefore I must admit, that we ought never to agree to either, without some very apparent Necessity for so doing; but the Affairs of *Europe* are, at present, in such a dangerous

dangerous State, and that State is so well and so publicly known, that the Necessity for our making an Augmentation of our Army, is, in my Opinion, of itself apparent, and therefore I thought it was quite unnecessary for any Lord in this House to explain that Necessity. The present cannot be properly said to be a Time of Peace: We are, at present, in a State of Doubt and Suspense, which can neither be called a State of Peace or of War; for though we are not actually engaged in the War now carrying on in *Europe*, no Man can foresee how soon we may be obliged to engage; and therefore it is highly necessary for us to begin early to provide for the worst, in order that we may be able to engage with such Vigour, as may contribute both to the Safety and the Honour of the Nation, in case any future Event should render it absolutely necessary for us to take a Share in the War.

The Number of Troops mentioned in the Preamble of this Bill, is, 'tis true, greater than that which was mentioned in the same Bill last Session of Parliament; yet, my Lords, the Augmentation is not so great as it may at first appear to be: The Number of Troops proposed for this ensuing Year, does not very much exceed that Number which was thought necessary last Year; for your Lordships must remember, that, towards the Close of last Session, there was a Power granted to his Majesty to augment his Forces both by Sea and Land, if the Exigency of Affairs should so require; and, in Pursuance of this Power, there was last Year an Augmentation made to our Land Forces, which Augmentation his Majesty thought absolutely necessary, for enforcing those Measures he was then taking, in Concert with his Allies, to restore the Tranquillity of *Europe*. His Majesty's Mediation, in Conjunction with his Allies, the *Dutch*, had been accepted by all the Parties engaged in War; and in such Circumstances it was certainly very necessary for his Majesty to put himself into such a Condition, as might add Weight to what he was to propose, as Mediator of the Differences subsisting in *Europe*. A Plan of Peace has accordingly been offered, to the Parties engaged in War; if the Terms of that Plan be accepted, Peace will be restored to *Europe*, the Balance of Power preserved, and this Nation freed from the Danger it is at present exposed to, of being obliged to engage in a bloody and expensive War: It is therefore very much the Interest of this Nation in particular, as well as of *Europe* in general, to have that Plan made effectual; and it must be granted, that the most certain Method for making it effectual, is for his Majesty to shew to all the Parties concerned,

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cerned, that he is preparing to join against those, who shall refuse to accept of those reasonable Terms of Peace, which he has been pleased to propose. This was the Reason for making an Augmentation last Year; this is the Reason for making still a farther Augmentation for the Year to come; and this, my Lords, is so apparent, that I did not expect it would have wanted any Explanation.

But, my Lords, if his Majesty's Endeavours should fail of the desired Success, the Augmentation we have made will then be of great Use; for if that reasonable Plan his Majesty has offered, should be rejected, it will be a Proof, that some of the Parties engaged in War have Designs, which are inconsistent with the Liberties of *Europe*; this must, of course, necessarily oblige us to join the other Side; and by the Preparations we have made, we shall be able to put a Stop to the Designs of the Ambitious, before they have had an Opportunity to push them too far; in which we shall certainly have the Assistance of our Friends the *Dutch*, who, as they are joined with his Majesty in the Mediation, will, without doubt, join with him in such other Measures as may be necessary for preserving the Balance of Power; and this they will do the more cordially and the more freely, when they see that his Majesty is prepared, for the immediate Execution of any Measure that may be proposed. In this respect, they were in a Situation very different from that in which we were at the beginning of the War, because they had made no Reduction of their Land Forces ever since the Treaty of *Vienna*, between the Emperor and *Spain*, and therefore it was not necessary for them to make any Augmentation; all they had to do, was, to delay making that Reduction which they had actually resolved on, before the present War broke out; whereas we had long before reduced the Augmentation we made of our Land Forces, on Occasion of that Treaty; and were, for that Reason, obliged to encrease them last Year, in order to put ourselves upon an equal Footing with the *Dutch*, and to convince them, that we were resolved to be ready to join with them in any Measure that should appear necessary, for preventing the ambitious Views of either of the Parties now engaged in War.

Upon this Occasion, my Lords, we ought to consider, that, immediately after the Treaty of *Utrecht*, the *Dutch* reduced their Land Army to 32,000 Men, which they supposed to be a Number sufficient for the Defence of their Country in Time of Peace, and accordingly it appeared to be so; for they never made any Addition, till they

heard

heard of the Treaty concluded between the Emperor and Spain at Vienna, and the Counter-Alliance concluded between England and France at Hanover; upon which Occasion, as the Affairs of Europe seemed to tend towards an open Rupture, they augmented their Army with 20,000 Men; and at the same Time, and for the same Reason, we encreased our Land Forces to the Number now proposed by this Bill; but, upon the Conclusion of the Treaty of Seville, we reduced our Forces again to their old Standard, whereas the Dutch never reduced a Man of the 20,000 additional Troops they had raised, tho' it is certain they were resolved to reduce every Man of them, as soon as they saw that the Affairs of Europe would admit of such a Reduction, and had actually come to a formal Resolution to reduce 10,000 of them, just before the late King of Poland's Death; but, upon that Prince's Death, they very wisely suspended that Resolution; so that they certainly have now 20,000 Land Forces on foot, more than they would at this Time have had, if no War had broke out; therefore it may be properly said, they have made an Augmentation of 20,000 Men, on account of the present War; and to do them Justice, as our Allies, as being united in the same Interest with us, we can do no less than increase our Army to the Number now proposed, as being the least Number we can have, in Proportion to the Army our Allies, the Dutch, have at present on foot.

The Number of regular Forces, kept up within this Island in former Times, is, I find, my Lords, an Argument constantly made use of when this Bill comes before us; but it is always, in my Opinion, an Argument rather for, than against the Number of Forces proposed by the Bill; for, considering the Difference between regular Forces and Militia, which the late Troubles in Poland have made sufficiently manifest, it must be granted, that the Number of regular Forces kept up in this Nation, or in any Nation, ought always to bear some sort of Proportion to the Number of regular Forces kept up by neighbouring States, especially by those from whom the greatest Danger is to be apprehended; and as all the Nations of Europe have, of late Years, very much increased their Number of regular Forces formerly kept up, we must necessarily do the same; but, in particular, we ought to consider our neighbouring Kingdom of France, the Nation from which we have the most to fear; and if we compare the Number of regular Forces now kept up by them, even in time of Peace, with the Number they formerly kept up, I believe we shall find, that the Increase we have made in our Number of regular Forces,

‘ bears

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bears no Proportion with the Increase they have lately made ; so that this Argument, which is generally made use of against the Bill, is really, when rightly considered, one of the strongest Arguments that can be made use of, in favour of the greatest Number of Forces that was ever proposed to be kept up within this Island in time of Peace ; and, considering the doubtful State we are in at present, considering the present dangerous Situation of the Affairs of Europe, I am surprized to see any Opposition made to the small Augmentation now proposed.

The Reply was in Substance thus, *viz.*

Reply.

My Lords, as every Day seems to furnish us with new Maxims in Politics, which to me appear very extraordinary, so this Day has furnished us with a Maxim, that is not only extraordinary, but inconsistent with our Constitution : We have been told, that the Number of regular Forces kept up in this Nation, is always to bear some Proportion to the Number of regular Forces kept up by our Neighbours, especially by our Neighbours of France, from whom we are said to have most to fear. My Lords, if we were so unlucky as to be situated on the Continent, or to have any Neighbours that could come at us by Land, there might be some Truth in the Maxim now discovered to us ; but, as we have the Happiness to be surrounded by the Sea ; as we have the Happiness to have a Fleet, superior to any that can probably be sent against us ; we have no Occasion to give ourselves any Trouble, or to put ourselves to any Expence, on account of the Number of regular Forces kept up by any of our Neighbours : Our Neighbours may keep up as many Thousands, or as many hundred Thousands as they please, but they cannot put hundred Thousands on board Transports, and without putting them on board Transports, they can do no Harm to this Nation : Nay, they cannot put any great Number of Thousands on board Transport-Ships, without our hearing of the Embarkation ; and if we have the least Suspicion of their being designed against us, we can send our Fleet and lock them up, or perhaps burn their Ships in their Harbours ; therefore we can never have Occasion to keep up, in this Island, any greater Number of regular Forces than are necessary for securing our Coasts against sudden and unexpected Invasions, which can never consist of above four or five thousand Men ; and to guard us against such, I am sure a much smaller Number of regular Forces would be sufficient, than has been kept up for many Years past in this Island.

We

' We have likewise been told, my Lords, of the great Dif-
 ' ference between regular Forces and Militia, which, 'tis said,
 ' has been manifested by the late Troubles in *Poland*: But, in
 ' this Case, we ought to distinguish between veteran Troops,
 ' and those that can only be called regular Troops: We ought
 ' also to distinguish between a regular well-disciplin'd Mili-
 ' tia, and a meer Rabble or Mob. By veteran Troops, I
 ' mean those who have been inured to Action, and are ac-
 ' quainted with Danger; and such, I believe, will always
 ' be found better than the best disciplined Militia, or even
 ' the best regular Troops that never looked an Enemy in the
 ' Face, unless it was the Smugglers and the Thieves of their
 ' own Country: But that there is any very great Difference
 ' between these last-mentioned Troops, and a regular well-
 ' disciplin'd Militia, is what I cannot admit of; nor have the
 ' late Troubles in *Poland* afforded me any Reason to do so;
 ' for every one knows, that their Militia were neither regular
 ' nor disciplin'd; nay, I doubt much if they were sufficient-
 ' ly provided with Ammunition or Arms: But the Situation
 ' of this Country is very far different from that of *Poland*; for
 ' tho' our Militia have been very much neglected of late
 ' Years, yet, before we could be invaded by any powerful Ar-
 ' mado, we should have time to discipline our Militia, and
 ' to form them into regular Regiments: It is very well
 ' known, that the *Spanish* Armado was above two Years in
 ' preparing, and I believe there is not a Nation in *Europe* be-
 ' sides ourselves, that could fit out such another in a shorter
 ' Time. In two Years, in the half, in the fourth part of
 ' that Time, there is not a Plowman in *Britain* but might
 ' be made as good a Soldier as ever danced through his Exer-
 ' cises at a Review; and if he should dance through his Exer-
 ' cises for twenty Years longer, without seeing Action, he
 ' cannot be call'd a Veteran, nor can it be supposed he will
 ' behave as such in the first Action he happens to be in.

' These Considerations, my Lords, have always convinced
 ' me, that 7 or 8000 Men are sufficient to guard this Island
 ' against any foreign Invasions; and I am sure they will al-
 ' ways be sufficient for the Support of our Government, as
 ' long as the Affections of the People are carefully preserved;
 ' a greater Number can never, in my Opinion, be necessary,
 ' unless it be to support a wicked and oppressive Administra-
 ' tion, against the general Resentment of the People; and
 ' this House will never, I hope, give Countenance to any
 ' such Design. From hence, my Lords, I must conclude,
 ' that we are for this next Year to keep up 17 or 18,000
 ' Men, purely on account of the present War; and why we
 ' should as yet give ourselves so much Concern, or put our-
 ' selves

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‘ selfe: to such an Expence about it, is what I cannot com-
 ‘ prehend. We are, it is said, in a State of Doubt and
 ‘ Suspense; but were not we in the same State at the Begin-
 ‘ ning of last Session of Parliament? Were not the Conse-
 ‘ quences of the War as much to be dreaded at the Beginning
 ‘ of that Session as at the End, or as they can be at present?
 ‘ Nay, in my Opinion, they were more to be dreaded at the
 ‘ Beginning of that Session than at any Time since; for ever
 ‘ since that Time the Parties engaged have appeared to be
 ‘ pretty equally matched, and while they continue so, I am
 ‘ sure, the Balance of Power can never be supposed to be in
 ‘ Danger; so that if his Majesty augmented his Land Forces,
 ‘ in Pursuance of the Power granted at the End of last Session
 ‘ of Parliament, it is so far from being a Reason for agreeing
 ‘ to the Augmentation now proposed, that unless I hear
 ‘ some better Reason than I have yet heard for it, I must
 ‘ conclude, it was an unnecessary Augmentation, it was put-
 ‘ ting the Nation to a needless Expence; and therefore we
 ‘ ought to be so far from approving it, by making a new
 ‘ Augmentation, that we ought to address his Majesty, to
 ‘ know who it was advised him to make the last.

‘ With respect to the Plan of Peace said to have been of-
 ‘ fered to the Parties now engaged in War, I am, my Lords,
 ‘ entirely in the Dark; nor can any Lord, as a Member of
 ‘ this House, draw any Argument from it, because nothing
 ‘ relating to it, nothing relating to any of our foreign Af-
 ‘ fairs, has been laid before this House. Whatever that
 ‘ Plan may be, I wish it may meet with the desired Success;
 ‘ but I am sorry to say, I have too good reason to doubt of
 ‘ its meeting with any Success; for, from the View I have of
 ‘ foreign Affairs, even from that View which I take from
 ‘ public News-papers, I am of Opinion, the War now kin-
 ‘ dled in *Europe* cannot be so easily made an End of as some
 ‘ People imagine: Before that Flame can be extinguished, I
 ‘ am afraid much Blood will be spilt, great Princes must suf-
 ‘ fer, even Queens must weep; the Conduct of Ministers
 ‘ must be enquired into, and some must meet with that Pu-
 ‘ nishment they deserve, before that Flame can be extin-
 ‘ guished which has been raised by their Mismanagement.

‘ But, supposing, my Lords, that we had been fully ac-
 ‘ quainted with this Plan, supposing that we knew it to be a
 ‘ reasonable and a good Plan, do we think that his Majesty’s
 ‘ Measures, or any Propositions he may be pleased to make
 ‘ to foreign Powers, are to be enforced by an Addition of
 ‘ seven or 8000 Men to his Land Forces? No, my Lords,
 ‘ his Majesty’s Measures are, upon all Occasions, to draw
 ‘ their Weight from the Affections of his People, and from
 ‘ the

the sincere Advices of his Parliament, after we have been fully informed of our Circumstances with respect to foreign Affairs ; for, in case it should at last appear absolutely necessary for us to enter into the War, for the Sake of preserving the Balance of Power in *Europe*, all the Men in the Nation, able to bear Arms, would be at his Majesty's Service, and every Purse would be open to him ; but till that Conjuncture happens, the Strength and Money of the Nation ought to be husbanded as much as possible ; the Nation's Money ought not to be thrown away upon useless Augmentations, either by Sea or Land, which can no way intimidate our Enemies, and may amuse our Friends with vain Hopes of Assistance, when perhaps there is no such Thing designed.

' The *Dutch*, it is true, my Lords, did reduce their Land Forces to about 32,000 Men, soon after the Peace of *Utrecht* ; but it is well known that the Reduction they then made was too great, and was loudly complained of, even by some of their own Provinces : At that Time indeed there was almost a Certainty, that the Tranquillity of *Europe* would continue for some Years ; every Nation in *Europe* was then groaning under the Burdens which the former War had brought upon them, so that it was very improbable any one of them would soon think of disturbing the Peace of any neighbouring State ; and the *Dutch*, who had their Share of the Burden of the War, thought they might take Advantage of that Time of absolute Security, to ease their People, and to recover a little from that Burden of public Debts they were then labouring under ; yet, even at that Time, notwithstanding the State of absolute Security which *Europe* was then in, the Provinces of *Guelderland* and *Overyssel*, which lie most exposed, remonstrated strongly against the Reduction then made, and never ceased their Remonstrances till the Treaty of *Hanover* happened, which afforded them an Opportunity of pressing an Augmentation with Success ; for, as the Situation of that Country is very different from the Situation of this, it is at all times necessary for them to keep up a numerous Army. They have the Misfortune to be situated upon the Continent, and may consequently be suddenly invaded by great Armies ; they have an extensive Frontier to defend, upon which they have above seventy fortified Towns, and in every one of these they must keep numerous Garrisons ; so that 52,000 Men is really the least Number they can keep up, unless it be at some very extraordinary Conjuncture, such as that which happened after the Treaty of *Utrecht*.

' Although, my Lords, there can be no just Parallel drawn from the Number of regular Forces necessary to be kept up in *Holland*, yet let us consider what we did at the Time the

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Dutch made this large Reduction: Did not we at the same Time reduce our Army to 7 or 8000 Men? and if at that Time we had followed the Example of the *Dutch*, we had reduced it to half that Number: If any Parallel then could be drawn between the *Dutch* and us, the additional 10,000 we now keep up, and which has been kept up for many Years, ought to be set against the 20,000 additional Forces raised by the *Dutch* upon the Conclusion of the Treaty of *Hanover*; and every Man must grant, that it is more than our just Proportion. But, besides this 10,000 which last Year we agreed to keep up, for no other Reason but only on account of the War then broke out in *Europe*, have not we made a most extraordinary Addition to our naval Force? Have we not now added no less than 22,000 Men to the Number of Seamen we kept up the Year before the War broke out? So that if we had actually reduced the 10,000 Land Forces kept up last Year solely on account of the War, neither the *Dutch* nor any other of our Allies could have said that we were behind-hand with them, in providing for the Preservation of the Balance of Power in *Europe*. But, as the Case now stands, we have taken such an Alarm, and have put ourselves to such an Expence, that all the Powers of *Europe* seem to think we have done enough for them, as well as ourselves; and therefore neither the *Dutch*, nor any other Power of *Europe*, have given themselves the least Concern, or put themselves to the least Expence, about the Preservation of that in which they are as deeply and more immediately concerned than we are.

If the Balance of Power, my Lords, were really in Danger of being overturned, we ought to take other sort of Measures than have as yet been taken. Our Treaty with *Denmark* can make no new Addition to the Security of that Balance, because the King of *Denmark*, by as solemn a Treaty as can be made, was before obliged to assist the Emperor with all his Force; and; if the Emperor could not depend upon that Treaty, we can as little depend upon the Treaty we have made, or any Treaty we can make: But, upon the present Emergency, our Views should have been principally directed to another Quarter; there is another Power whose Friendship and Alliance will always add great Weight to, any of our Negotiations upon the Continent; and I am sorry to find there is not so good an Understanding between that Power and us, as ought to be wished upon Occasions, but particularly, upon the present Emergency. As we have been refused all Insight into the Affairs of *Europe*, or into any of our late Negotiations, it is impossible for me to judge, whether the Balance of Power be in Danger or not; but by the Inaction of the *Dutch*

* *Dutch*, and by the Indifference shewn by several other
 * Powers, with respect to the present War, I must conclude,
 * that the Balance of Power is not, as yet, like to be in any
 * Danger; if it is not, and if we have no other Concern in
 * the War, I must then certainly conclude, that the great
 * Expences we have been at, as well as the additional Ex-
 * pence now proposed, are quite useless, and can serve no
 * Purpose but that of overloading the People with Taxes,
 * and alienating the Minds of his Majesty's Subjects; which,
 * instead of adding Weight to his Majesty's Negotiations, will
 * frustrate all his Measures for restoring the Tranquillity of
 * *Europe*, and will render the Councils of this Nation con-
 * temptible in the Eyes of all our Neighbours.

* To pretend, my Lords, that we must always augment
 * all our Land-Forces when *France* augments theirs, is one
 * of the most dangerous Doctrines I ever heard delivered in
 * this House: It may as well be said, that because the
 * *French* have given up their Liberties, and submitted their
 * Necks to the Yoke of Arbitrary Power, we ought to do
 * the same. What have we to do, for God's Sake, with
 * the Armies of *France*? They may march great Armies in-
 * to *Holland*, *Germany*, *Italy*, or *Spain*; but can they march
 * an Army into *Great Britain*, or into any part of our Do-
 * minions? We know they cannot; and we likewise know
 * they cannot transport any great Number of Forces by Sea;
 * nor can they transport any Number but by stealth, as long
 * as our Fleet is superior to theirs: And, while we are united
 * among ourselves, as long as his Majesty, or any of his il-
 * lustrious Family, shall retain the Hearts and Affections of the
 * People, we have nothing to fear from any Number that
 * *France* could, by stealth, pour in upon us, though we had not
 * a Regiment of what are called regular Forces in the King-
 * dom.

* Let us consider, my Lords, what it was that chiefly con-
 * tributed to destroy the Liberties of *France*: It was, my
 * Lords, their Fears of Invasions from us: We had then
 * large Possessions in that Country, from whence it was easy
 * for us to invade them at any Time; and the continual
 * Apprehensions they were under of Invasions from us, afford-
 * ed their Kings and Ministers a Pretence for prevailing with
 * the People to alter the Form of their Military Force:
 * They altered the ancient Establishment of their Militia,
 * and put the Power over them entirely into the Hands of the
 * Crown: This gave the first Blow to the Liberties of
 * the People; for, soon after, their Kings began to
 * keep up regular Armies, entirely dependent upon the
 * Crown; and as *France* was the first Country of *Europe*
 * where any such Army was kept up, so the *French* were the

Anno 8. Geo. II. 1735. first People in *Europe* that lost their Liberties : If we should fall into the same Error, if we should now, for fear of Invasions from them, do what they formerly did for fear of Invasions from us, we might expect our Case would at last come to be the same ; and then indeed they would have of us a full Revenge ; but we should be much less excusable, because their Fears of Invasions from us were real, and were founded upon Experience, whereas our Fears from them are so very far from being founded upon Experience, that they must always be imaginary and ridiculous.

Question carried in the Negative. At last the Question was put upon the Motion, and was, upon a Division, carried in the Negative, by 87 to 43.

Speakers. The Motion was made by the Earl of *Strafford*, and was supported by the Lord *Bathurst*, the Earl of *Aylisford*, the Earl of *Chesterfield*, the Lord *Carteret*, and the Earl of *Winchelsea* : It was opposed by the Lord *Hervey*, the Lord Chancellor, the Earl of *Finlater*, the Duke of *Newcastle*, and the Lord *Hardwick*.

Debate on the Bill for regulating Quarters.

WE have already given an Account of a Motion made by the Lord *Carteret* in the House of Lords, for an Address to his Majesty, ' That he would be pleased to give Directions to the proper Officer or Officers, to lay before that House, the several Allotments of Quarters which had been made for his Majesty's Land Forces in *Great Britain*, from the 25th Day of *March* then last.' As this Motion was agreed to, these Allotments were accordingly laid before the House : And thereupon it was moved, and the Judges were ordered to prepare and bring in a Bill, for regulating the Quartering of Soldiers, during the Time of Elections. This Bill was accordingly prepared by them and presented to the House, being intitled, *An Act for regulating the Quartering of Soldiers, during the Time of Elections of Members to serve in Parliament* ; and was as follows, *viz.*

Bill for regulating Quarters.

WHEREAS, by the ancient Common Law of this Land, all Elections ought to be free : And whereas by an Act passed in the third Year of the Reign of King *Edward* the first, of famous Memory, it is commanded, upon great Forfeiture, that no Man, by Force of Arms, nor by Malice or Menacing, shall disturb the Freedom of any Election : And forasmuch as the Freedom of Elections of Members to serve in Parliament, is of the utmost Consequence to the Preservation of the Rights and Liberties of this Kingdom : To the End therefore that the same may be safely transmitted to Posterity, and for the avoiding any Inconveniences that may arise thereunto from any Regiment, Troop, or Company, or any Number of Soldiers which shall be quartered

* quartered or billeted within any City, Borough, Town or Place, where any Election of any Member or Members to serve in Parliament, or of the sixteen Peers to represent the Peerage of Scotland in Parliament, or of any of them, shall be appointed to be made.

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* Be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament assembled; and by Authority of the same, that when and as often as any such Election shall be appointed to be made, the Secretary at War for the Time being (who is hereby required to take Notice of the Time appointed for such Elections or Election) shall and is hereby required, at some convenient Time before the Day appointed for such Election, to issue and send forth proper Orders in Writing for the Removal of every such Regiment, Troop or Company, or other Number of Soldiers, as shall be quartered or billeted in any such City, Borough, Town or Place, where such Election shall be appointed to be made: And every such Regiment, Troop, or Company, or other Number of Soldiers as aforesaid, shall, upon the Receipt of such Order, accordingly march out of every such City, Borough, Town or Place, one Day at the least before the Day appointed for such Election, to the Distance of two or more Miles from such City, Borough, Town or Place, and shall not make any nearer Approach to such City, Borough, Town or Place as aforesaid, until one Day at the least after the Poll to be taken at such Election shall be ended, and the Poll-Books closed.

* And be it farther enacted by the Authority aforesaid, That, in case any Officer or Officers to whom such Order, from the Secretary at War for the Time being, (or other Person to whom the issuing out such Order as is aforesaid shall belong) shall be directed and delivered, shall neglect or refuse to cause such Regiment, Troop or Company, or other Number of Soldiers so quartered or billeted, as aforesaid, to march out of such City, Borough, Town or Place, at the Time and to the Place or Places in such Order specified, and shall be thereof duly convicted upon an Indictment, to be preferred at the next Assizes or Sessions of Oyer and Terminer, to be held for the County where such Offence shall be committed, or an Information to be exhibited in the Court of *King's-Bench*, within six Months after such Offence committed; which Information the said Court of *King's-Bench* is hereby impowered to grant; every such Officer shall, for every such Offence, be forthwith cashiered and displaced from such his Office, and shall

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be thereby disabled to have or hold any civil or military Office or Employment within this Kingdom, or in any of his Majesty's Dominions, and shall likewise forfeit And if any Officer or Soldier, who shall be ordered or directed to march out, as aforesaid, shall be found in any such City, Borough, Town or Place, during the Continuance of such Election, as aforesaid, and shall be thereof duly convicted, upon an Indictment to be preferred at the next Assizes or Sessions of Oyer and Terminer to be held for the County where such Offence shall be committed, every such Officer shall, for every such Offence, forfeit the Sum of

Provided nevertheless, that nothing in this Act contained shall extend, or be construed to extend, to the Cities of London or Westminster, or the Borough of Southwark, for and in respect of such Number of Troops and Soldiers only, as are usually employed as Guards to his Majesty's Royal Person, or are usually quartered or billeted near to the Place of his Majesty's Residence, nor to any City, Borough, Town or Place, where his Majesty, or any of his Royal Family, shall happen to be or reside at the Time of any such Election, for or in respect of such Number of Troops or Soldiers only, as shall be attendant as Guards to his Majesty, or to such other Person of his Majesty's Royal Family, as is aforesaid; nor to any Castle, Fort or fortified Place, where any Garrison is usually kept, for or in respect of such Number of Troops or Soldiers only whereof of such Garrison is usually composed.

Provided likewise, that nothing in this Act contained, shall extend or be construed to extend to any Officer or Soldier, who shall have a Right to vote at any such Election, as aforesaid; but that every such Officer and Soldier may freely, and without Interruption, attend and give his Vote at such Election, any Thing herein before contained to the contrary thereof notwithstanding.

Earl of Anglesey's
Motion for an
Amendment.

ON Tuesday the 15th Day of April, the House of Lords went into a Committee on the said Bill, and the first enacting Clause being read, the Earl of Anglesey stood up and took Notice, 'That if none but the Secretary at War should be obliged to send Orders to the Soldiers to withdraw at the Time of an Election, the Intention of the Bill might be easily defeated; because if any future Minister should have Design to over-awe any Election, or any Number of Elections, he might get the Secretary at War removed just before the Elections came on, and no new one appointed till after they were over; and as the Bill then

' then stood, any other Person acting as Secretary at War, Anno 8. Geo. II.
 ' might refuse to issue such Orders, by which the Intention 1735:
 ' of the Bill would be defeated; therefore he would propose,
 ' that after these Words, *The Secretary at War for the Time*
 ' *being*, the following Words should be added, *viz. Or such*
 ' *other Person to whom it shall belong.* Which Amendment
 ' was agreed to without any Debate.

Then a Motion was made for leaving out the second en- Debate in rela-
 acting Clause, and consequently these Words in the first tion to another
 Clause, *viz. And every such Regiment, Troop or Company, or* Amendment
other Number of Soldiers, as aforesaid, shall upon the Receipt
of such Orders accordingly march.

This occasioned a strenuous Debate, in which the Argu-
 ment for the Motion was in Substance as follows, *viz.*

' My Lords, by a Bill which we have this Session passed Argument for
 ' into a Law, I mean the Bill against Mutiny and Desertion,
 ' and the Articles of War which are settled and signed by
 ' his Majesty, in Consequence of that Bill; we know, that
 ' every Officer is obliged, under very high Penalties, to
 ' obey all such Orders as he shall receive from his Majesty's
 ' Secretary at War, or any Person acting as such: Therefore
 ' I must think it very unnecessary to lay the Officers under
 ' any new Obligation, for giving Obedience to those Orders
 ' that are by this Bill to be sent him from the Secretary at
 ' War, with respect to his removing from any Place where
 ' an Election is to be. For this Reason, my Lords, I am of
 ' Opinion, that the second enacting Clause of this Bill, which
 ' is next to be read to your Lordships, ought to be entirely
 ' left out, and instead thereof a Clause inserted, for laying
 ' Penalties upon the Secretary at War, or other Person act-
 ' ing as such, who shall refuse or neglect to issue Orders,
 ' as directed by this Act; and if your Lordships agree with
 ' me in this Opinion, you must of Course leave out of the
 ' Clause now read to you these Words, to wit, *And every*
 ' *such Regiment, Troop or Company, or other Number of Sol-*
 ' *diers, as aforesaid, shall upon the Receipt of such Orders*
 ' *accordingly march.*

' If any Officer, my Lords, should disobey the Orders
 ' sent him upon any such Occasion by the Secretary at War,
 ' he might be tried by a Court-Martial, and subjected to the
 ' Punishment of Mutiny, which is a much more severe Pu-
 ' nishment than any, I believe, your Lordships intend to in-
 ' flict by this Bill; therefore it is very unnecessary, nay it
 ' would even seem a little ridiculous to make a new Law,
 ' for inflicting a Punishment less severe than that which is in-
 ' flicted

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' flicted by a Law we have already passed this very Session of
 ' Parliament ; and it would be a great Hardship upon Offi-
 ' cers to subject them to so many different Sorts of Trials for
 ' one and the same Crime : Besides, my Lords, the Regula-
 ' tion, as it stands at present in the Bill, might be attended
 ' with very great Inconveniences ; for, if every Officer were
 ' laid under an absolute Necessity, not only to remove out of
 ' the Town, but not to return to it upon any Account during
 ' the Time of an Election, it would be impossible for the
 ' civil Power to have the Assistance of the Troops in Case
 ' any great Tumult or Riot should happen at an Election :
 ' Nay, the Enemies of the Government might take the Op-
 ' portunity of an Election for a new Parliament, to assemble
 ' and form themselves into great Bodies, at those Places
 ' where they knew the Troops could not come to disturb
 ' them, by which Means, they might be enabled to begin a
 ' general Insurrection, and might come to a very great Head
 ' before his Majesty could make any Use of those Troops
 ' which are given him by Parliament, for preserving the
 ' Tranquillity of the Kingdom : Even our Enemies abroad
 ' might take an Occasion to invade us, and to land their
 ' Troops at some of our Towns upon the Sea Coast during
 ' the Time of an Election, when, if this Bill as it now stands
 ' should pass into a Law, none of his Majesty's Troops could
 ' come within two Miles of the Place, to dispute or prevent
 ' their Landing.

' These Considerations, my Lords, convince me, that no
 ' one of your Lordships will be for allowing this Clause to
 ' stand as it is in the Bill, without making some conditional
 ' Provision or Exception ; and I cannot comprehend how any
 ' such can be made, without subjecting the Nation to greater
 ' Dangers than those we propose by this Bill to avoid ; for,
 ' if we make an Exception, that the Troops shall leave the
 ' Town, and shall not return, unless some great Danger
 ' happens, or is to be apprehended, we must give a Power
 ' to some Person or other to judge when that Condition exists ;
 ' and where to lodge this Power, does not to me seem easy
 ' to determine : To lodge such a discretionary Power in the
 ' returning Officer, or in any other Magistrate of a little
 ' Borough, would certainly be of the most dangerous Con-
 ' sequence to the Freedom of Elections ; and it would be as
 ' dangerous to lodge it by an express Law in the Breast of
 ' the returning Officer. Thus, to make this Restraint ab-
 ' solute, may embroil the Nation in civil Wars, and to
 ' make it conditional may endanger the Freedom of our
 ' Elections ; for which I must think it much better to lay
 ' the Officers under no Restraint or Obligation, but that
 ' which

which they are now under by the martial Law, and the Mutiny-Bill we have already passed: By them the Officers will always be obliged to obey the Orders they receive from the Secretary at War, unless some very sudden and unforeseen Accident makes it absolutely necessary for them to act otherwise; and in acting otherwise, they will always be extremely cautious, because if they are not able to make the Necessity clearly appear, they will thereby subject themselves to the Laws against Mutiny.

I know, my Lords, it may be said, that as Trials by Court-Martial are very much under the Direction of the Crown, tho' an Officer should, on Occasion of an Election, disobey the Orders he had received from the Secretary at War, it would be in the Option of the Crown, or the Ministers of the Crown, whether or no he should be tried before a Court-Martial for such Disobedience; and consequently that some Officers would be ready to disobey them, as often as they knew that the Orders were sent only in Obedience to the Law, but that it was not intended or expected they should obey them; but it is certain, that no Officer would venture to disobey such Orders without private Instructions in Writing, under the Hand of some superior Minister; and to suppose that any Minister would venture to give such Instructions under his Hand in Writing, or that many Officers would observe such private Instructions, are Suppositions which, in my Opinion, there is not the least Ground to make; nay, I think it is almost impossible for us to make any such, if we consider, that if any Officer should behave in such an illegal Manner, or if any such private Instructions should ever be divulged, a Complaint would certainly be made in Parliament against such Officer or such Minister, and both might expect the highest Punishment the Parliament could inflict.

But, my Lords, suppose that an Officer could, in such Case, hope to evade all Punishment before a Court Martial or in Parliament, yet even as the Law stands at present, he could not hope to evade all Manner of Punishment; for if any Officer should remain in, or return to any Town, during the Time of an Election, and should make use of the Troops under his Command for overawing the Election, he might be indicted even at common Law upon the Statute of *Edward I. called Westminster the first*; by the 5th Chapter of which it is declared, That no Man shall by Force of Arms, by Malice, or by Menaces disturb the Freedom of any Election, under the Pain of grievous Fine and Imprisonment; which is so severe a Punishment, that it is not to be supposed any

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‘ Officer would subject himself to it. at the Desire of any
 ‘ Minister, especially, if such Officer were a Gentleman of
 ‘ Fortune and Figure in his Country, as most of our Offi-
 ‘ cers are at present, and I hope always will be.

‘ I hope, my Lords, I have now clearly shewn, that
 ‘ there is no Necessity for laying the Officers of the Army
 ‘ under any of the Restraints or Penalties proposed by this
 ‘ Bill, because they are already under as great Restraints
 ‘ and Penalties, as can be supposed necessary for prevent-
 ‘ ing their attempting to over-awe any Election, either by
 ‘ staying in, or returning to, the Place where there is an
 ‘ Election, or by making use of the Troops under their
 ‘ Command, for disturbing the Freedom of the Election ;
 ‘ and as it must be granted, that the Restraints proposed
 ‘ by this Bill would expose us to great Dangers and Incon-
 ‘ veniences, therefore I doubt not but your Lordships will
 ‘ agree to the Amendment I shall propose upon reading the
 ‘ next Clause; and for this Reason, you must agree to leave
 ‘ out those Words which I have proposed to be left out of
 ‘ the Clause now before you.’

It was answered to the following Effect, *viz.*

Answer.

‘ By the Amendment now offered, my Lords, the Inten-
 ‘ tion of the present Bill, and indeed of all such Bills, seems
 ‘ to be very much misunderstood; for it is certain, that
 ‘ all Bills of the same Nature with that now before us,
 ‘ are designed as Limitations and Restrictions upon the Pow-
 ‘ er of the Crown, or rather upon the Power of Ministers
 ‘ acting under the Crown. During his present Majesty’s
 ‘ Reign we are certain, that no Encroachments will be
 ‘ made upon the Freedom of Elections, by Means of the
 ‘ Army, or by any other Means; but this ought not to
 ‘ prevent our making such Regulations, as may appear
 ‘ necessary for preventing such Encroachments in any fu-
 ‘ ture Reign; and as it has always been supposed, that
 ‘ Troops quartered, or remaining in any Town, during
 ‘ the Time of an Election, might be some sort of Encroach-
 ‘ ment upon the Freedom of that Election; therefore, ever
 ‘ since we had any such thing as a standing Army in this
 ‘ Island, the Ministers of the Crown have thought them-
 ‘ selves, in common Prudence, obliged to order the Troops
 ‘ to remove from every Town, where there happened to be
 ‘ an Election, and not to return to that Town till the
 ‘ Election was quite over. This has hitherto been left to
 ‘ the Prudence and Discretion of the Ministers for the
 ‘ Time being; and the Reason of doing so was, that we
 ‘ have

' have never yet been certain, that a standing Army would Anno 8. Geo. II.
 ' be kept up for any succeeding Year; but now that we 1735.
 ' have continued a numerous standing Army for so many
 ' Years, and are like to continue it for Years to come, it
 ' was thought proper not to leave that to the Prudence of
 ' Ministers, which might, in some future Reign, be made
 ' use of for the overturning of our Constitution; and there-
 ' fore this House agreed to the Motion which was made,
 ' for ordering the Judges to bring in the Bill now before us :
 ' For this I must think, my Lords, that it was the Opini-
 ' on of this House that we ought, by an express Law, to
 ' put it out of the Power of any future Administration, to
 ' neglect doing that, which all former Administrations have,
 ' in regard to our Constitution, thought themselves, in
 ' common Prudence, obliged to do.

' This, my Lords, was certainly your Opinion, when you
 ' agreed to the Order for bringing in this Bill; but from this
 ' Opinion we must now depart, or we must disagree with
 ' the noble Duke in the Amendment, which he has been
 ' pleased to offer; for if your Lordships design by a new
 ' Law, to lay a Restriction or Limitation upon the Mini-
 ' sters of the Crown, the Execution of that Law is not sure-
 ' ly to be entrusted with those upon whom that Restriction
 ' or Limitation is designed to be laid; which would be the
 ' Case, if the Motion now made to us should be agreed
 ' to. It is true, the Officers of the Army are, by the
 ' Mutiny Bill and the Articles of War, obliged to obey such
 ' Orders as they may from time to time receive from his
 ' Majesty's Secretary at War, and, in Case of Disobedience,
 ' they are subjected to very great Punishments; but for this
 ' Disobedience, they are to be tried only by a Court-Mar-
 ' tial, and whether any such Court shall be appointed, or
 ' whether such an Officer shall be tried before such Court
 ' when appointed, is entirely in the Power of the Crown,
 ' or more properly of the Ministers acting under the Crown,
 ' who are the very Persons whose Power was designed to be
 ' limited when this Bill was proposed. Can we then sup-
 ' pose, my Lords, that an Officer who disobeyed such Or-
 ' ders at the Desire of a chief Minister, would ever be
 ' brought before a Court-Martial, or tried for such Disobe-
 ' dience? Your Lordships cannot surely suppose any such
 ' thing; and therefore you cannot, in my Opinion, agree
 ' to the Amendment now proposed, unless you have de-
 ' parted from the Design you had, when the Order for
 ' bringing in this Bill was agreed to.

' But farther, my Lords, let us consider who are the
 ' Judges upon every Court-Martial; they are all Officers of
 ' the

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the Army, Judges, whose Commissions depend absolutely upon the Pleasure of the Crown; and shall we leave any thing relating to the Freedom of Elections, upon which the Preservation of our Constitution so much depends, to be tried only before such Judges? The noble Duke has told us, that an Officer may, upon any sudden and unforeseen Emergency, disobey, or act contrary to, the Orders he receives from the Secretary at War; and, Is it not to be presumed, that a Court-Martial, composed of such Judges, will admit of any Emergency, as a sufficient Excuse for disobeying such Orders, when they know that such Disobedience proceeded from private Instructions, given by a principal Minister of State? Surely we have not yet forgot what was one of the principal Grievances complained of before the Revolution; what was one of the first things redressed by the Revolution: The general Complaint was, and it was a Complaint but too well grounded, that the Judges Commissions were all during Pleasure; and therefore they were too apt to follow the Directions they received from the Crown, in any Affair, where the Ministers thought fit to give Directions: Have we not then good Reason to be afraid that the Judges upon a Court-Martial may, in future Times, do as other Judges during Pleasure have done in Times past? And shall we leave an Encroachment upon the Freedom of our Elections, to be punished only by such Judges? Your Lordships did not certainly intend any such thing, when you gave Orders for drawing up the Bill now before us; and therefore the learned Judges have very wisely drawn it up, in such a Manner as to subject the Disobedience of an Officer, in the Case now before us, to a Trial at common Law, which is the only Method by which the Bill can be made effectual.

That the subjecting of an Officer to several Sorts of Trials for the same Crime, would be a Hardship upon the Officers of the Army, cannot, my Lords, be an Argument of any Weight, when we consider that the Preservation of our Constitution is in the other Scale: It has, in many Cases, been thought necessary to subject the Gentlemen of the Army to be tried by the common Law, as well as by a Court-Martial: Even by the Mutiny-Bill itself, if any Officer or Soldier shall take Quarters against Law, or shall disturb his Quarters, he is made liable to be tried by the Quarter-Sessions; and if, upon such Trial, he be found guilty, if an Officer, he is to be immediately cashiered: And I hope your Lordships will think that an Officer's disturbing the Freedom of an Election, is an Affair

‘ Affair of greater Consequence than that of disturbing his
 ‘ Quarters ; and that therefore you will not think it a Hard-
 ‘ ship to subject him to a Trial at common Law, in the one
 ‘ Case as well as the other.

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‘ As to the Dangers and Inconveniences to which it is
 ‘ pretended we may be exposed, by laying Officers under
 ‘ an absolute Necessity of removing from any Place where
 ‘ there is to be an Election, and not returning till that
 ‘ Election be over, they are founded, my Lords, upon Sup-
 ‘ positions, I am sure much more unreasonable than that of
 ‘ supposing, that some Minister may hereafter do what he
 ‘ ought not to do : For to suppose that any such Number
 ‘ of Men can meet at any Election, as may endanger the
 ‘ Government ; to suppose that all those Men are such as
 ‘ will risque their Lives and their Fortunes, by joining in
 ‘ an Insurrection ; to suppose that they are all regularly
 ‘ armed and prepared for War ; and to suppose that this
 ‘ Concert can be carried on without the Government’s
 ‘ hearing a Word of it before the Day of Election ; is
 ‘ carrying Suppositions, I must say, a great Length, and
 ‘ endeavouring to persuade us, to leave ourselves exposed to
 ‘ real Dangers, by frightening us with those which are al-
 ‘ together imaginary. Then, with respect to Invasions, to
 ‘ suppose that an Invasion may be made, and the Troops
 ‘ landed just at the Time, and at the very Place where an
 ‘ Election happens to be carrying on, we must first suppose,
 ‘ that an Express has gone over to let the Enemy know the
 ‘ Day appointed for the Election ; that, after their receiving
 ‘ this Account, they embark their Troops, sail, and meet
 ‘ with such a favourable Wind as to bring them directly to
 ‘ the Place where the Election is, on the very Day it begins,
 ‘ or within a few Days after ; and to suppose that all this
 ‘ may be done in such a short Time as what usually in-
 ‘ tervenes between the appointing of the Day of Election,
 ‘ and that Day’s coming on, is really carrying Suppositions
 ‘ a most extravagant Length. But, my Lords, if these
 ‘ were Suppositions that could be made, they would be of no
 ‘ Weight in the present Debate ; for it is in all Cases a cer-
 ‘ tain Maxim, that *Inter Arma silent Leges* : Upon any such
 ‘ Occasion, the Troops not only might, but ought to march
 ‘ into the Town where an Insurrection or Invasion happens,
 ‘ notwithstanding its being at the Time of Election, not-
 ‘ withstanding the Law now proposed, and notwithstanding
 ‘ any Law that is or can be made : In Times of such
 ‘ Danger, Men are always indemnified for what they may
 ‘ be obliged to do against the Letter of the Law, and a
 ‘ particular

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particular Act of Parliament for that Purpose, has always been passed as soon as the Danger was over.

‘ As for any little Riots or Tumults that may happen at the Time of an Election, I cannot see, my Lords, why there is any more Danger to be apprehended from them now than there was formerly, when we had ~~no~~ such thing as regular Troops, either to prevent their happening, or to quell them when they did happen. In former Times, the civil Power was always found sufficient for preventing Riots, or for quelling them and punishing the Authors of them; and considering the severe Law against Riots, which was lately made, and is still in Force, I am sure it cannot be said, that the civil Power is now less sufficient for that Purpose than it was formerly. Besides, my Lords, we all know, that a Riot or Tumult at an Election makes it a void Election; therefore it is always the Business of those who have the strongest Party, to endeavour to prevent all such; and indeed there is seldom or never any great Riot happens, but what is occasioned by those who have a mind to make the Election void, or by the Magistrates, who preside at the Election, doing some signal Injustice to the Electors. But supposing that there may happen now and then a few broken Heads or bloody Noses at an Election, are we, on that Account, to have all our Elections carried on under the Terror and Influence of a Regiment of Soldiers? Or are we to give them a Pretence to be present at all our Elections, or to give every little Magistrate, or perhaps, a Custom-House Officer, a Power to call them in when he has a mind?

‘ Even the noble Lords, who have spoke for the Amendment, seem to think it dangerous to give by Law, to any returning Officer, or Magistrate of a little Borough, a Power to call in the Troops during the Time of an Election whenever he pleases; and they likewise seem to think it dangerous to give, by Law, a Power to the Officers themselves to remain in, or return to, the Place where an Election happens to be, whenever they think it necessary; yet by the Amendment they propose, the commanding Officer for the Time, is to be vested with this very Power: The Secretary at War, indeed, is to be obliged to send his Orders for the Troops to remove; but, as the noble Lords themselves have explained it, the commanding Officer may disobey these Orders in case of any sudden and unforeseen Emergency, without running any risque of being tried or punished by a Court-Martial for such Disobedience; and we may depend on it, that such Emergencies will never be wanting, when

† a prime

a prime Minister has a mind that the Troops should remain in, or return to the Place where an Election is carrying on: Nay, it will always be in the Power of any returning Officer, or Magistrate of a little Borough, or of any Custom-House or Excise Officer, to furnish the commanding Officer of the Troops with such an Emergency; for we know that the Troops have always a general Order to be assisting to the civil Power, and likewise to all Officers of the Revenue; and therefore the returning Officer may at all times pretend that he is apprehensive of a Tumult, and may demand the Assistance of the Troops; or a Custom-House or Excise Officer, may demand their Assistance in seizing or searching for smuggled Goods; and this will be a sudden and unforeseen Emergency, that will always excuse the commanding Officer of the Troops, for disobeying the Orders he receives from the Secretary at War, when any prime Minister but insinuates, that such Excuse should be admitted of by the Court-Martial, in Case the Officer should ever be brought to a Trial for any such Disobedience.

I am really surprized, my Lords, to find those who are so apprehensive of Insurrections and Invasions, and so very apt to suppose Dangers from thence arising, at the same Time shewing themselves so very little apprehensive of the Designs of future Ministers, and so unwilling to suppose, that the Constitution of this Kingdom and the Liberties of the People, can ever be in any Danger from such Designs. I am sure, my Lords, there is nothing more natural, than to suppose, that we may have, in some future Reign, an ambitious, rapacious, or wicked Minister; and as the Safety of such a Minister, can consist in nothing so much as in destroying the Freedom of our Elections, we must necessarily suppose that he will leave no Stone unturned for accomplishing that wicked Purpose; therefore we must likewise necessarily suppose, that he will send such private Instructions, as have been mentioned, to the commanding Officers of the Troops, in all Places where he cannot influence the Election by any other illegal Means; and as such a Minister may probably have the sole Management of his Master, it is well known what Lengths some Officers may go, rather than risque their Commissions by disobeying his private Commands, or in order to recommend themselves to his Favour for Preferment: Such an illegal Obedience to ministerial Instructions is not, indeed, to be apprehended from the present Officers of our Army, but they are not immortal; and we do not, we cannot know by what Sort of Men they may be succeeded; there-

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therefore I think it is absolutely inconsistent with the Preservation of our Constitution to leave those Officers, who may hereafter encroach upon the Freedom of our Elections, to be tried only by those who may be guilty of the same Crime, and at the sole Pleasure of those whose Interest it may be, whose Safety may depend upon it, either not to try them at all, or to try them only in order to acquit them.

A Prosecution in Parliament is not to be apprehended, my Lords, either by Officers or Ministers, when by such illegal Means they have got a Parliament to their own Liking; and as to Officers being subject to a Trial at common Law, upon the Statute of *Edward the Ist.* I must observe, that if an Officer or any other, should commit a Breach of the Peace, by openly endeavouring to over-awe an Election, or by openly intimidating any returning Officer or Elector, he might be indicted, tried and punished at common Law upon that Statute; but no Officer or Soldier can be indicted, tried and punished at common Law, by virtue of that or any other Statute, for not removing from the Place, or for returning to the Place, where an Election is carrying on; and the Design of this Bill is, at least I always took the Design of it to be, to prevent the Officers or Soldiers being present in any Town or Place upon any such Occasion; for if they are allowed to be present, they may fall upon twenty Ways to influence, and even to over-awe the Election, without its being possible to prove any overt Act against them, so as to indict them at common Law upon the Statute of *Edward the Ist.*

This was, my Lords, what made the Bill now before us necessary; the Design of the Motion was, and when your Lordships agreed to that Motion, I must think your Design was, to make it criminal in any Officer or Soldier, to be present in any Place during the Time of an Election, unless he was there as an Elector; but if your Lordships agree to the Amendment now proposed, you alter the whole Intention of the Bill; you make it indeed criminal in the Secretary at War, not to issue such Orders as are directed by the Bill, but you do not make it criminal in an Officer or Soldier to be present in any Place during the Time of an Election; at least, you do not make it a Crime for which he may be legally tried at common Law: Nay, in my Opinion, it will not be so criminal, after the passing of this Bill, as it was before; for, before the bringing in of this Bill, an Officer did not know but that he might be brought to a Trial at common Law, if he remained in any Town, or returned to it during the Time of Election; whereas

hereafter,

' hereafter, if he brings his Regiment, Troop or Company
 ' to the very Place of Election, and plants Centries to attend
 ' the Poll-books, he knows how he is to be tried; he is to
 ' be tried by his Brother-Officers in a Court-martial, and I
 ' do not know but their Sentence may be pleaded in Bar, to
 ' any future Indictment brought against him upon the Sta-
 ' tute of *Edward* the 1st; for what Interpretations may
 ' hereafter be put upon this last Law, cannot now be so easi-
 ' ly determined: And therefore, I hope, your Lordships
 ' will pass the Bill in the same Shape the learned Judges have
 ' brought it in. unless some more convincing Reason than any
 ' I have yet heard should be given, for turning it into a Shape
 ' very different from that in which it is at present.'

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The Reply was in Substance, as follows, *viz.*

' My Lords, what was the Design of other Lords, when Reply.
 ' they moved for, or agreed to, the Order for bringing in
 ' this Bill, I shall not pretend to determine; but all I thought
 ' was intended, either by the Motion or Order, was, to lay
 ' Ministers, in time to come, under a legal Obligation of do-
 ' ing that which Ministers in time past have always done
 ' without any Obligation, but what arose from the great Re-
 ' gard they have always shewn to the Freedom of our Elec-
 ' tions. From this Regard, Care has always hitherto been
 ' taken, when there was to be an Election at a Place where
 ' any Troops were quartered, to send Orders for the Troops
 ' to remove to some other Place during the time of the Elec-
 ' tion; and all I expected was to be done by the Law pro-
 ' posed, was, to enact, that such Orders should always be
 ' sent upon every such future Occasion. This was my only
 ' Design, when I agreed to the Order for bringing in this
 ' Bill; and this Design would be fully accomplished by the
 ' Bill, when amended as has been proposed. I never in-
 ' deed once imagined, that the Officers and Soldiers should
 ' be absolutely banished from any such Place during the time
 ' of an Election; I could not imagine, that it was to be
 ' made highly criminal in any Officer to appear as a private
 ' Gentleman in any such Place, in order to visit his Friends
 ' in the Town, or to drink a Glass with any Gentleman of
 ' his Acquaintance, who might perhaps come into Town
 ' upon that Occasion; and I must think, that the passing of
 ' such a Law would really be doing them a very great In-
 ' jury; it would be treating them as Enemies, not as Sub-
 ' jects; whereas, while our Army continues upon its present
 ' Footing, I think both the Officers and Soldiers ought to
 ' be looked on, not only as Subjects, but as Subjects as much

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concerned as any other in the Preservation of our Constitution, and of the Freedom of our Elections.

I was likewise, my Lords, far from supposing, or ever designing, that it should, by Law, be put absolutely out of the Power of the Troops to remain in the Town, or to return to the Town where an Election happened to be, even in a Case of the utmost Necessity and Danger; for, though I do not think we need be at present under any very great Apprehensions of Insurrections or Invasions, yet I think we ought not to pass a Law, which may tend directly to encourage them: It cannot, 'tis true, be supposed, that any such great Number of Men can meet at any one Place of Election, as may endanger the Government; but such a great Number may meet in a few Days at the Place of an Election, and may form themselves into such a regular Body, if they have but two or three Days time for that Purpose, as to put it out of the Power of the Troops in that Neighbourhood to disperse them; nay, to oblige the Troops in that Neighbourhood to march off and leave them; by which means two or three such Bodies of Men, formed at different Places in the time of a general Election, may be able to join together, and thereby form such a Body as might endanger the Government: Then as to Invasions, the very Day of an Election at any of our Sea-port Towns, cannot indeed be known till after it is appointed; but after the Writs are issued for a new Parliament, the Days of Election may be nearly guess'd at, and a foreign Enemy, by good Intelligence, might very easily take their Measures, so as to come to land at some of our Sea-port Towns on the very Day of Election; upon such an Emergency, the Officer would certainly be excused if he marched his Troops into Town, in order to attack them; but till they began to land, he would not venture the Breach of such a severe Law, and after their having begun to land, it would be too late for him to march from the Quarters assigned him during the Time of Election, which might probably be at three or four Miles Distance from that Town.

With respect to Tumults and Riots, my Lords, the Reason of the severe Law against them is very well known, and may be remembered by several of your Lordships: At that Time, even with the Assistance of the regular Troops, the civil Power was seldom or ever able to quell the Riots and Tumults that happened, till after they had done much Mischief; and if the regular Troops were quite out of the Case, I am convinced we should, at many Elections, have such Tumults as could not be soon quelled by the civil Power, though now armed with such a severe Law; for

your

your Lordships must consider, that such Tumults or Riots are seldom made, by those who have a Right to vote at any Election; and it often happens that those Candidates, who have the Majority of the Mob upon their Side, have the Majority of legal Voters against them; at all which Places, it is probable, we should have dangerous and very mischievous Tumults, if the Mob were assured, that the regular Troops could not be brought against them: They would very much despise the Proclamation against Riots, if they knew that there was no armed Force, sufficient for putting the Law in Execution, after that Proclamation was read.

As it might be of the most dangerous Consequence, by an express Law, to lay an absolute and a peremptory Obligation upon the Troops, not to remain in, or return to, any Town, during the Time of an Election, notwithstanding the greatest Necessity and Danger; so, my Lords, it might be of the most dangerous Consequence, by an express Law, to give a Power to the Troops to remain in, or to return to such a Town, whenever they thought there was any Necessity for their so doing; but I hope your Lordships will consider, that there is a very great Difference between a Power given by Act of Parliament, and that Power which arises from the immediate Necessity a Man is under: In the first Case, the Prosecutor must shew, that the Person prosecuted exceeded the Power given him by Law, which, in many Cases, could not be so easily done; in the last, the Person prosecuted will certainly be condemned, unless he can shew, to the Satisfaction of the Court, the Necessity he was under: Thus, by the Amendment now proposed, the Secretary at War is to be obliged to send his Orders to the Troops to remove; and, by another Law passed this Session, the Troops are obliged, under very severe Penalties, to obey those Orders; nothing then can excuse their Disobedience, but some very unforeseen and dangerous Emergency, and that Emergency must be made appear to the Court, by the Officers who are guilty of such Disobedience.

I am as sensible, my Lords, and as much apprehensive of the Dangers to which we may be exposed, by the Designs of wicked Ministers, as any Lord in this House, and shall always be for using all proper Precautions against the Designs of such. For this Reason I agreed to the bringing in of this Bill; and as I am of Opinion that the Amendment now offered, will not derogate, in the least, from its Efficacy against such Designs, therefore I can make no Difficulty in agreeing to it; for by the Bill, when amended as proposed, it will be impossible for any Minister to encroach upon the Freedom of our Elections, by means of

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Army, unless we suppose all the Officers of our Army so abandoned, as to sacrifice their Honour, their Conscience, and their Country, to the Favour of a Minister; which is a Supposition, I am sure, we have no Ground to make from past Experience: As the Officers of our Army must always be Subjects of *Great Britain*, we cannot suppose such a general Depravity of Manners among them, without supposing the same Depravity among all other Ranks of Men in this Kingdom; and against such a Depravity it is impossible to provide: Ministers will always have it in their Power to bestow Preferments and Rewards, upon Judges at Common Law, as well as upon Officers of the Army; and in case of such a general Depravity, we must suppose the former infected with it as well as the latter; in which Case, the Freedom of our Elections would be no better secured, by subjecting the Officers to a Trial at Common Law, than by subjecting them to a Trial before a Court-Martial.

'Tis true, my Lords, it has always been thought improper to have regular Troops in any Place where an Election is carrying on; and in this general Opinion I readily join; I do think it is improper, but I cannot think it quite so dangerous as it has, in this Debate, been represented; for really I cannot well form to myself an Idea of any Practices that either Officer or Soldier could be guilty of, for over-awing, or encroaching upon, the Freedom of an Election, without exposing themselves to an Indictment upon the Statute of *Edward the first*. I am sure, if they threatened any Elector, or, by Force, prevented any Elector from coming to give his Vote, that Elector would be a good Evidence for the King; upon his single Oath, a Bill of Indictment would probably be found by the Grand Jury; and I do not know but upon his single Evidence, if corroborated with any Circumstances, they might be found guilty upon the Trial; so that I am apt to believe, it would be impossible for the Officers or Soldiers, to make use of any such Practices, as would be effectual for over-awing, or giving a Turn to an Election, without exposing themselves to a certain Danger, not only of being prosecuted, but of being convicted at common Law, upon the Statute I have mentioned; and therefore, unless we suppose a Minister to have the Direction of our Courts of Law, as well as of our Courts-Martial, I doubt much if he could prevail upon many Officers to join with him, in over-awing or encroaching upon the Freedom of our Elections.

'That the Bill now before us, or the Amendment proposed, should in the least derogate from the Statute of *Edward the first*, is what I cannot, my Lords, apprehend: If an Officer

‘ Officer disobeys the Orders of the Secretary at War, and Anno 8. Geo. II.
 ‘ remains in, or returns to, any Town, during the Time of
 ‘ an Election, he is, for such Disobedience, to be tried by a 1735.
 ‘ Court-Martial; but for any Encroachment upon the Free-
 ‘ dom of an Election, he is not surely to be tried by a
 ‘ Court-Martial; and therefore no Trial by a Court-Martial
 ‘ can ever be pleaded in Bar, to an Indictment upon the Sta-
 ‘ tute of *Edward* the first. By that Statute, he may still be
 ‘ tried at common Law, if he openly encroaches upon the
 ‘ Freedom of any Election; and by the Bill now before us,
 ‘ when amended as proposed, he may be tried by a Court-
 ‘ Martial, and severely punished, if he keeps the Troops in
 ‘ the Town, or returns to the Town where an Election is
 ‘ carrying on, without a very immediate Necessity for his so
 ‘ doing: By these two Methods, I think, the Freedom of
 ‘ our Elections will be sufficiently secured, against all En-
 ‘ croachments from our Army; and therefore I shall be for
 ‘ agreeing to the Amendment proposed.’

The Question being then put for agreeing to the Amend-
 ment, it was, upon a Division, carried in the Affirmative, Amendment carried.
 by 70 to 35.

The Motion for the Amendment, was made by the Duke Speakers.
 of *Newcastle*, and supported by the Earl of *Cholmondeley*, the
 Earl of *Warwick*, the Lord *Hardwick*, and the Lord Chan-
 cellor: It was opposed by the Earl of *Aylesford*, the Earl of
Abingdon, the Earl of *Anglesea*, the Earl of *Chesterfield*, the
 Earl of *Scarborough*, the Lord *Onslow*, the Earl of *Win-*
chelsea, the Lord *Bathurst*, and the Lord *Carteret*.

At last the Preamble of the said Bill was read (the Pre-Motion for an-
 amble being always the last Part of the Bill which is read in other Amend-
 the Committee upon the Bill) and a Motion was made, that ment.
 these Words, *viz.* ‘To the end therefore that the same
 ‘ may be safely transmitted to Posterity, and for the avoid-
 ‘ ing any Inconveniences that may arise thereunto, from any
 ‘ Regiment, Troop or Company, or any Number of Soldiers,
 ‘ which shall be quartered or billeted within any City, Bo-
 ‘ rough, Town or Place, where any Election of Member or
 ‘ Members to serve in Parliament, or of the sixteen Peers to
 ‘ represent the Peerage of *Scotland* in Parliament, or of any
 ‘ of them, shall be appointed to be made,’ should be left
 out; and that, instead of them, these Words, *viz.* ‘That
 ‘ it hath been the *constant* Usage and Practice, to cause any
 ‘ Number of Soldiers, quartered in any Place appointed for
 ‘ electing Members to serve in Parliament, to remove out of
 ‘ the

Anno 2. Geo. II. ' the same during the Time of Election,' should be substituted.
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Upon this Motion there was another Debate, in which the Argument for the Motion was in Substance thus, *viz.*

Argument for it. ' My Lords, I have joined heartily with your Lordships, in every Step that has been taken, towards the bringing in and passing the Bill now before us, and shall be ready to join in every future Step, that may be necessary for completing so good a Work; but, my Lords, there is one Consideration that has all along given me a good deal of Concern; and the present I take to be the proper Time for explaining myself to your Lordships, and for offering something to obviate the only Inconvenience that is to be apprehended from the Bill, as it now stands. It is an Opinion, my Lords, that almost universally prevails without Doors, that no Bill of this Nature is ever brought into Parliament, much less passed into a Law, but for remedying some Grievance that has been felt and complained of. 'Tis true your Lordships may, and do often, from your Prudence and Foresight, order Bills to be brought in, and pass Laws for the preventing of Grievances in time to come, though no such Grievance has before been felt or complained of; but those who are not acquainted with your Method of proceeding in this Respect; those who are unacquainted with the Motives, which may have induced you to bring in or pass any such Bill; are always more apt to impute it to your Experience, in times past, than to your Precaution for time to come: This Consideration has, all along, given me great Concern; I am afraid that evil-minded People may, from our passing of this Bill, take Occasion to throw unjust Reflexions upon his Majesty's Government, as if some Use had lately been made of the Troops, for over-awing or encroaching upon the Freedom of Elections; and as there is still a Party in the Kingdom, disaffected to his Majesty and his Family, it is not to be doubted but that they will make use of this Handle, for sowing Jealousies and Fears among his Majesty's best Subjects.

' This Consideration, my Lords, weighty as it is, ought not to prevent our passing so good a Bill; but I think we ought to take all possible Precautions to prevent such a fatal Consequence; and this, I think, can only be done, by leaving out some of the Words in the Preamble, and inserting others in their Stead, as I shall immediately propose. Your Lordships all know, that the bringing in of
' this

' this Bill, was not occasioned by a Complaint against any Use that has lately been made of the regular Troops; your Lordships must be all sensible, that his Majesty's Wisdom and Goodness is such, that he would, by no means, permit any of his Troops to be made use of, for over-awing or encroaching upon the Freedom of any Election; and therefore, to satisfy the People, and to prevent his Majesty's Enemies from getting any Pretence, for throwing Reproaches upon his Government, I hope your Lordships will agree to this Amendment in the Preamble, that these Words, To, &c.' (moved as before-mentioned.)

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The Answer was to this Effect, *viz.*

' As I have, my Lords, as firm an Attachment to his Majesty and the present happy Establishment, as any Man in the Kingdom, I can never hear his Majesty's Name or his Government brought into any Debate without the utmost Concern; and it has of late become so customary, to bring the sacred Name of the King into every Debate, that I wish there were some Order or some Regulation made, for preventing the Practice in time to come. Shall we never find Fault with any Measure taken by Ministers; shall we never propose any Regulation for preserving our Liberties, against any future wicked Administration, but we must be told, it will reflect upon his Majesty and his Government? My Lords, we are, upon all Occasions, to distinguish between the King and his Ministers; between the King's Government and the Ministers Administration: His Majesty and his Government are so sacred, they can never be the Subject of any of our Debates, and therefore ought never to be mentioned; but the Ministers and their Administration, may often deserve our most severe Animadversions: This Distinction, my Lords, is not only known in this House, but is known to all the People of the Kingdom; and therefore, whatever Surmises may be raised, whether just or unjust, they can never affect his Majesty or his Government; because, if any thing has actually been done, which ought not to be done, every Man must suppose it was done without his Majesty's Knowledge, and will never meet with his Approbation.

Answer.

' With regard to your Majesty then, my Lords, or his Government, your Lordships have no manner of Reason to be under any Concern, about the Consequences of this Bill, or to alter or add any Words for preventing any

Con-

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Consequences it can be attended with. As to the Ministers Administration, indeed, I do not know but this Bill may occasion some Surmises that may affect them, and it is impossible to prevent such ; for the very bringing in of this Bill, will certainly give ground to suppose that some irregular Use has lately been made of the Troops, with respect to Elections. I shall agree with the noble Lords of the other side of the Question, in this, that it is the general Opinion, that such Bills are seldom brought in, but for remedying some Grievance that has been felt ; nay, I'll go farther, I believe there is a great deal of Reason for such an Opinion ; for it is very well known, that when any Bill is offered for preventing a Grievance, one of the most powerful Arguments made use of against it, by a certain Sort of Men, who always oppose such Bills, is, that such a Grievance was never yet complained of, therefore why should you apprehend it, or make any Provision against it ? And this Argument is generally found to be of such Weight, that People seldom venture to bring in or propose any Bill for preventing a Grievance, till after it has been severely felt, and generally, as well as loudly, complained of. As this is generally the Case, I do not see how it is possible to prevent such Surmises against the Administration ; and what is now proposed to be inserted by the noble Duke, will, I am afraid, add Credit to such Surmises ; for the Words he proposes to insert, will certainly be taken by the Generality of People without doors, as inserted by the Ministers, by way of Vindication ; and I remember an old Saying, which, upon this Occasion, I must beg leave to repeat ; *Nescio quid mali secum sit Expurgatio.*

For this Reason, my Lords, the Words proposed to be inserted, can, in my Opinion, no way contribute to the Vindication of the Ministry ; and as they seem to imply a Compliment, not to his Majesty's Government, but to the Minister's Administration, I think it below the Dignity of this House to pass such a Compliment, when we do not know whether it be true or not ; for, as we have made no Enquiry ; as not the least Proof has been laid before us ; we cannot, as Members of this House, declare that it has been the Practice, to cause the Soldiers, quartered in any Place appointed for electing Members to serve in Parliament, to remove out of the same during the Time of Election. Nay, I am sure we cannot with any Justice say, it has been the constant Practice ; because it has been lately affirmed in this House, by Persons of great Authority, and not contradicted, that it has not been the constant Practice ; and therefore I

hope, even the noble Duke himself will agree, to leave ^{Anno 8. Geo. II} the word *constant* out of the Amendment he proposes. 1735.

But now, my Lords, I come to the Words proposed to be left out; and there, indeed, we have Reason to apprehend Surmises, Surmises of the most terrible Nature, because they will not only affect the Administration, but the Honour of this House. When the People hear that a Bill was brought in by the learned Judges, for transmitting safely to our Posterity, those Rights and Privileges we received from our Ancestors, by preventing the Influence of Officers and Soldiers in our Elections; and when they hear that we first struck out the Clause, for subjecting Officers and Soldiers to a Trial at common Law, and then struck out those sacred Words in the Preamble, will they not naturally surmise, that we struck that Clause out of the Bill, and those Words out of the Preamble, on purpose that those Rights and Privileges, which we received from our Ancestors, might not be transmitted safely to our Posterity? Will it not be surmised, that the Necessity for such a Bill was so evident, that there was no withstanding the passing of some Sort of Bill, but a Majority of this House had taken care to leave out all those Words and Clauses, which the learned Judges thought were necessary for making it effectual? These are Surmises, my Lords; we ought highly to regard; and considering the solemn Manner in which the Bill was brought in, considering the Character of those who prepared it, considering the Importance of the Affair it relates to, we have great Reason to apprehend, that there will be such Surmises.

The inserting of these Words at the End of the Preamble, shews the Care and Concern the learned Judges have for the Preservation of our Constitution, and looks something like the Invocations which, upon all such Occasions, the ancient Heathens made use of towards their Gods; so that there really seems to be something sacred in them, and I cannot but look upon it as a Sort of Devotion; when I argue against turning such sacred Words out of the Preamble of this Bill. These Words are no way inconsistent with the Compliment proposed to be inserted; so that if your Lordships should agree to make this Compliment, you may, nevertheless, leave the other Words standing as they are: I cannot really form to myself the Reason for expunging them, unless it be to suppose, that you are afraid of giving the People too high a Notion of their Rights and Privileges, and too warm an Affection for them; which is an Apprehension I am sure none of your Lordships can entertain; and therefore I hope

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the noble Duke will either drop his Motion wholly, or at least the first Part of it: But if he insists upon the whole, it ought certainly to be separated, because some Lords may be for inserting the Words proposed to be inserted, and against leaving out the Words proposed to be left out; and other Lords may perhaps be of a quite contrary Opinion.'

To this it was replied in Substance as follows, *viz.*

Reply.

' Whatever there may be, my Lords, in that Distinction, between his Majesty's Government and the Administration of his Ministers, however well it may be understood in this House, I am afraid it is not so generally understood without Doors; and therefore I hope your Lordships will all agree with me in this, that it can be of no Service to his Majesty or to his Government, to raise groundless and false Surmises against the Administration of his Ministers: And as it cannot be said, as there cannot be the least Pretence for saying, that ever any Election was over-awed by the regular Troops, therefore I think it is absolutely necessary to insert in such a Bill as this, some Words for preventing any such Surmise; and I must think, that no Words can be invented more proper for that Purpose than those that have been proposed. There may, perhaps, have been one, or a very few late Instances, where the Troops did not remove from the Place of Election as usual; but if that Affair were enquired into, it would, I believe, appear, there were very sufficient Reasons for their not removing; such Reasons as, I believe, would convince every Lord of this House, that it would be of the most dangerous Consequence to pass this Bill, in the Shape in which it was brought in. However, to avoid any farther Dispute in this particular, your Lordships may leave the Word *constant* out of the Amendment that has been offered, and then, I hope, that Part of the Amendment will be unanimously agreed to; for to declare the Truth upon any Occasion, I can never take to be what is properly called a Compliment, nor can I take such a Declaration to be below the Dignity of this House, especially when necessary for preventing unjust Surmises, which, it must, at least, be granted, could be of no great Service to his Majesty or his Government.

' As to the Words proposed to be left out, I take it, my Lords, to be a general Rule, that no superfluous and unnecessary Words ought to be inserted in any Bill; for the shorter any Law is, it is certainly the better, provided the

the Meaning and Intention of the Law be fully and clearly expressed; any superfluous and unnecessary Words, inserted either in the Preamble or in any of its Clauses, serve only to confound the true Meaning and Intention of the Law, and to raise Doubts and Difficulties, when it comes afterwards to be applied to any particular Case that may occur. Of this Nature I take those Words to be, which are now proposed to be left out: I look upon them as altogether unnecessary and superfluous; for the End and Intention of the Bill, appears fully and clearly in every Clause of it; and therefore it is very unnecessary to declare in the Preamble, for what End it was proposed or passed: This, my Lords, I take to be the true and the only Reason, for moving to have those Words left out; and the Reason is so strong and so obvious, that I think it impossible the leaving them out should occasion any unjust Reflexions against the Administration, or against the Honour of this House; and, as the Reason for inserting the other Words, is as evident as the Reason for leaving these out, I think there is no Occasion for separating the two Parts of the Question; being convinced, that all those who are against any one part of it, will be against the whole; as, on the contrary, that all those who are for any one Part, will be for the whole, as it now stands."

After this, it being agreed to leave the Word *constant* out of the Amendment, the Question was put upon the Amendment so amended, which, upon a Division, was carried in the Affirmative, by 64 to 28. Question pass'd in the Affirmative.

The Motion for this Amendment was made by the Duke of Newcastle; and supported by the Earls of Cholmondeley and Carlisle. The Speakers against it, were, the Earl of Aylesford, the Earl of Anglesea, the Earl of Chesterfield, the Lord Batburi, and the Lord Carteret.

Speakers.

Next Day the Lord Delaware reported from the Committee of the whole House, the Amendments made by them to the said Bill; and the same being read by the Clerk, the Earl of Aylesford moved, for recommitting the Bill; upon which the Question was put; but, upon a Division it was carried in the Negative, by 61 to 33. Earl of Aylesford's Motion to recommit the Bill: On the Report rejected.

Then the first Amendment was read a second time, which was to leave out the latter Part of the Preamble, and to substitute Words instead thereof, reciting, 'That it hath been the Usage and Practice, to cause any Number of Soldiers, quartered in any Place appointed for electing Members to serve in Parliament, to remove out of the same during the Time of Election,' as before mentioned. The first Amendment read.

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And agreed to.

Which being objected to, after some new Debate, the Question was put, Whether to agree with the Committee in the said Amendment?

It was resolved in the Affirmative, *Content* 61, *Not Content* 33.

Dissentient.

Protest thereon.

1. Because we conceive these Words, (*To the End therefore, that the same may be safely transmitted to Posterity, and for the avoiding any Inconvenience that may arise thereunto from any Regiment, Troop or Company, or any Number of Soldiers, which shall be quartered or billeted within any City, Borough, Town or Place, where any Election of Member or Members to serve in Parliament, or of the sixteen Peers to represent the Peerage of Scotland in Parliament, or of any of them, shall be appointed to be made*) extremely proper in a Bill, calculated to preserve to us and our Posterity the Enjoyment of our Liberties, by securing the Freedom of Elections; besides that, in our Opinion, it seems very extraordinary, to leave out Words that singly intimate our Desire of transmitting to Posterity, the Liberties we enjoy ourselves.

2. Because we cannot conceive, that there was any Weight in the Argument urged for omitting these Words, *viz.* "That they carried an Imputation, that some Facts had been committed contrary to the Freedom of Elections, which this Bill was to prevent for the future:" Whereas, in our Opinion, it is so much the contrary, that we think the leaving out these Words, the natural Importance of which carry no Imputation at all, may possibly be construed, as a Conscience of some irregular Use made of Troops at Elections, which, it might be apprehended, these Words might point out, especially since Reports of that Nature have of late been spread, whether well-grounded or not, we do not take upon ourselves to determine.

Denbigh, Chesterfield, Litchfield, Bolton, Thanet, Carteret, Beauford, Lincoln, Coventry, Clinton, Berkshire, Craven, Huntington, Cobham, Bathurst, Shaftsbury, Boyle, Montjoy, Ker, Bridgewater, Anglesey, Gower, Foley, Winchelsea and Nottingham, Haverham.

The three next Amendments were read a second time, and severally agreed to.

Then

Then the fifth Amendment was read a second time, being Anno 8. Geo. II. to leave out these Words, *viz.* ' And every such Regiment, Troop or Company, or other Number of Soldiers as ^{1735.} *aforesaid*, shall, upon the Receipt of such Orders, march. Fifth Amend-
ment read.

Proposed to agree with the Committee in the said Amendments.

Which being objected to, after Debate, the Question was And agreed to, put upon the said Proposition, and it was resolved in the Affirmative.

The next Amendment was read a second time, and agreed to.

Then the next Amendment was read a second time, be- As likewise the ing to leave out the second enacting Clause, which was, to sixth. inflict Penalties and Punishments on Officers and Soldiers, who should refuse or neglect to remove out of Places, at the Time of Elections, and to substitute Words, inflicting Punishments on the Secretary at War, in case he neglects to issue Orders for such Removal.

And it being proposed to agree with the Committee in that Amendment,

After some new Debate, the Question was put there-upon,

And it was resolved in the Affirmative, *Content 64, Not Content 33.*

Dissentient.

1. Because we conceive, that the leaving out this Clause, *Protest thereon*, is, in Reality, defeating the Effect and Intention of the whole Bill; a Bill thought so necessary by the whole House, that the learned Judges were unanimously ordered to prepare and bring it in, in lieu of a Clause to the same Purpose, offered to be inserted in the Annual Act to prevent *Mutiny and Desertion*.

2. Because we think it much more necessary, that Officers and Soldiers should be subject to be tried by the civil Power, for an Offence of this high Nature against the Constitution in general, than for quartering a Man contrary to the Method prescribed by the Act to prevent Mutiny and Desertion; for which Crime they are, at present, liable to be tried and cashiered by the civil Magistrate.

3. Because we conceive, that this Offence being an Offence of the highest Nature against the civil Government, is properly cognizable by the civil Magistrate only, and most improperly reserved to the Determination of a Court-
Martial.

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Offences against military Discipline are justly reserved for the Decision of a Court-Martial, as consisting of Persons of the same Profession, and consequently the properest Judges; and, by a Parity of Reasoning, we conceive the civil Magistrate the fittest Judge of civil Offences. We cannot therefore but fear, that a Court-Martial may consist of Persons who may be at least ignorant, and, possibly hasty and partial Judges of the Merits of an Election.

4. Because the Intention of the Bill being to prevent any Insults from Troops during the Time of Elections, we should provide against all possible Dangers; and tho', during his Majesty's Reign, we apprehend no ill Use will be made of the Troops; yet, in future Time, Ministers may prevail, whose unpopular and detested Administration may leave them no hopes of Security from a free-elected Parliament, and reduce them to the violent and illegal Method of employing those Troops, kept up by the Corruption of one Parliament, in the forcible Election, or rather Nomination of another: In which Case, no Remedy can be hoped for against Officers so offending, since, as the Act now stands, they can only be tried by a Court-Martial, and a Court-Martial can only be appointed by the Crown; and, consequently, the same wicked Minister, who may hereafter advise such an Attempt upon our Constitution, will not be likely to permit his guilty Agents to suffer, but the Merits of their Crime will carry Impunity along with it.

5. Because we cannot conceive that the Arguments drawn from a Possibility of a Riot at an Election, or of a Rebellion or Invasion during the Time of Election, wherein the Assistance of military Power may be necessary, were in any Degree sufficient to induce the House to leave out this Clause; since, in the Case of a Riot, the civil Magistrate is already armed with a vigorous penal Law, known by the Name of the *Riot Act*; and in the Case of a Rebellion or Invasion, it is well known, that this and all other Laws would be silent. But on the other hand, we apprehend great Inconveniences may arise, if Troops have Liberty to march into Towns during the Time of Elections, at the Requisition of a partial and corrupted civil Magistrate, who may call a Majority he dislikes, a Tumult, and supply with Force the Want of Interest of an unknown and unqualified Candidate; by which means the Voice of the People may be drowned in the Noise of Arms.

6. Because

6. Because we apprehend, that a very injurious and dangerous Construction may, by malicious People (too speciously) be put upon the leaving out of this Clause; that although the Unpopularity of rejecting the Bill itself could not be withstood, yet the eluding and enervating the Efficacy of it had been directly brought about: Which Supposition, however groundless, may give great Uneasiness and Apprehension to many of his Majesty's good Subjects, and may bring very great Unpopularity upon the Administration. An Evil, by all possible Means to be prevented; since Hate begets Hate, and an Administration, become unpopular, will soon become desperate, and may endeavour to strengthen their crazy and rotten Foundation, by tearing away, for their own Use, the Corner-Stones of the Liberty of the People.

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1735.

*Chesterfield, Clinton, Ker, Denbigh, Coventry, Montjoy,
Litchfield, Berksbire, Bridgewater, Bolton, Craven,
Thanet, Huntington, Carteret, Cobham, Beaufort,
Batburst, R. Lincoln, Shaftesbury, Boyle, Winchelsea,
Haverfbam.*

We differ for the above-mentioned Reasons, except the third,

*Anglesey,**Gower,**Foley.*

ON Friday the 25th of April, the Bill for granting and Salt-Bill read a continuing the Duties upon Salt, and upon red and third Time. white Herrings, for a Term therein mentioned, was read a third time in the House of Lords, and a Motion being made for passing the Bill, the Lord *Batburst* stood up and spoke to this Effect, *viz.*

‘ My Lords, though the Arguments against this Duty, Lord *Batburst*’s
‘ and against this destructive Method of raising Money, Speech against it,
‘ were so fully stated and explained when this Duty was last
‘ revived, that nothing now can be said upon the
‘ Subject; yet as there are now several Lords in this House
‘ who were not here at that Time, I must beg leave to repeat one of the Arguments then made use of, which is,
‘ I think, now stronger in several Respects than it was at that Time. Figures, my Lords, are stubborn things, there
‘ is no twisting them into any Shape but that which is natural and right; and some Facts are so evident and so notoriously known, that they cannot be denied or controverted.
‘ From these, my Lords, it must appear to every
‘ Man

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Man who understands the common Rules of Addition; that the Nation must, in nine Years, pay near 800,000*l.* for the 500,000*l.* which by this Bill is to be raised for the current Service of the present Year: For as this Sum of 500,000*l.* is to be immediately borrowed at an Interest of 4 *per Cent.* we must pay the Interest upon that whole Sum, or very near it, for nine Years, which is an additional Sum the Nation must at last pay, amounting to near 180,000*l.* Then, my Lords, the Expence of raising and collecting this Tax for four Years longer, must likewise be all paid by the Nation, and this will amount to at least 120,000*l.* more; for, according to the lowest Computation, the Expence of collecting this Duty has always been reckoned at 25,000*l.* *per Annum* for England, and 5000*l.* *per Annum* for Scotland; this amounts to a yearly Sum of 30,000*l.* which in four Years amounts, as I have said, to the Sum of 120,000*l.* Thus, my Lords, from Figures and Facts it is plain, that for the 500,000*l.* now to be borrowed, the Nation must, in nine Years, pay 500,000*l.* for Principal, near 180,000*l.* for Interest, and 120,000*l.* for Charges in collecting, being in all 800,000*l.*

We have heard it, my Lords, strongly inculcated; both this Session and last, that, upon the present Emergency, we ought to endeavour to give foreign Powers great Ideas of the Wealth and the Strength of this Nation, and of our Readiness to engage in the War, in case we should at any Time hereafter find it necessary so to do. This, we have been told, would oblige them to set Bounds to their ambitious Views, and give Ear to those reasonable Terms of Peace which his Majesty was to propose: But when it is spread abroad, that now, in a Time of Peace, in a Time of profound Tranquillity, we are borrowing Money at the rate of 60 *per Cent.* for the current Service of the Year; will any Power on Earth imagine, that we have any Wealth or Power left, or that we dare engage in an expensive and dangerous War? Surely, my Lords, we must admit, that there is some sort of Parallel between the Circumstances of a Nation, and those of a private Man; and I submit to your Lordships, if you would not look upon a Man in private Life as a Bankrupt, if he should attempt to borrow Money at a Premium of 60 *per Cent.* Therefore I must conclude, that the Powers now engaged in War, will, from the very Case now before us, look upon this Nation as Bankrupt, and will reckon us as unfit for engaging in a heavy War, as a Bankrupt in private Life would be for commencing an expensive Law-suit: And whether such an Opinion can contribute towards obliging the Powers engaged

- in War to set Bounds to any of their ambitious Views, Anno 8. Geo. II.
 • or to give Ear to the reasonable Terms of Peace which his
 • Majesty is to propose, I leave to your Lordships to judge? 1735.

To this no Answer was made, but the Question called for, The Question
 which being accordingly put, was carried in the Affirmative, pass'd in the
 without a Division. Affirmative.

I Mmediately after this Bill was passed, the Bill for ena- Motion for pas-
 bling his Majesty to apply the Sum of one Mill on out- sing the Sinking
 of the Sinking Fund, for the Service of the Year 1735, was Fund Bill, with
 (according to Order) read a third time, and a Motion made the Debate upon
 for its being passed, which being opposed, there ensued a it.
 long Debate, in which the Arguments against the Bill were to
 this Effect, *viz.*

I have often, my Lords, heard it made use of in this Argument a-
 House, as an Argument for our agreeing to what was then gainst it.
 before us, that it would strengthen his Majesty's Hands, and add
 to the Credit and Esteem of the Nation among Foreigners.
 This, my Lords, is an Argument that, when properly ap-
 plied, will always have great Weight with me; and I think
 it never was, nor ever can be more properly applied, than
 against our agreeing to pass this Bill. Hitherto, or at least,
 till within this Year or two, the Credit and the public Faith
 of this Nations have always been in great Esteem among Fo-
 reigners, because they saw we had not only a Power to pay
 off honourably, all the Debts we contracted during the last
 heavy War, but that we had the Wisdom and the Will to do
 so; and had actually set apart a considerable and a growing
 Fund for that honest Purpose: This our Friends observed
 with Pleasure, because from thence they took us to be in a
 flourishing Condition, and expected we would soon be free
 of all former Debts, and consequently, would soon be in a
 Condition of giving them the same powerful Assistance we had
 given them in the last War, in case they should, at any time,
 be unjustly attacked: This our Enemies looked on with En-
 vy, with Dread, and with Awe, because they saw we were
 in a Condition to revenge any Insults they should offer, and
 to give a Check to their ambitious Projects: But the Bill we
 have just now passed, and the Bill now before us, will quite
 change the Scene: To see us in the Time of a profound
 Peace, not only continuing, but mortgaging one of the
 heaviest and most dangerous Taxes under which our People
 groan; to see us laying violent Hands upon that sacred Fund
 which has been set apart for the Payment of our Debts, will
 stands actually mortgaged to the public Creditors, will make
 1735. O o o the

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1735.

the whole World believe that the Nation is reduced to the lowest Ebb: This will of course transfer the Pleasure from our Friends to our Enemies: The former may, perhaps, pity and bemoan, but the latter will most heartily despise and condemn us.

My Lords, when the Sinking Fund first began to be nibbled at, I was afraid of the Consequence, and I foretold what has now come to pass. I foretold, that the next Step would be to apply the whole to the current Service of the Year, and I am afraid, there are some among us, who already begin to think of making it a Building instead of a Sinking-Fund; I am afraid, there are some who have already formed a Project, of making it a Fund for contracting new Debts, instead of being a Fund for paying off the old; and this I am the more afraid of, because of the new Doctrine we have heard advanced in this House, That the public Creditors have no manner of Right in the Sinking-Fund, that they have no Title or Right, to demand any thing of the Government, but the regular Payment of their Interest. This, my Lords, was to me a Doctrine entirely new, a Doctrine which gave me the utmost Concern, because I looked on it as a Prelude towards the mortgaging of that sacred Fund, for bringing a new Debt upon this Nation; and the Application, which is to be made of that Fund, by the Bill now before us, I look on as a paving of the Way for that pernicious Project; so that what I am this Day to say upon this Subject, I shall say, by way of taking my Leave of that sacred Fund for ever, unless your Lordships Wisdom and Prudence, or some very unexpected Accident, gives a most agreeable Disappointment.

But I hope your Lordships will now take this Doctrine into your Consideration, and will this Day dismiss it with that Contempt it deserves, in order to prevent the pernicious Consequences with which it is fraught. For my own Part, my Lords, I have always looked upon Bills, upon which any Sums of Money have been borrowed, as Contracts between the public and the private Persons who lent their Money upon the Credit of such Bills; and when considered as such, it is certain, all the Clauses and Conditions of them ought to be most religiously observed and most punctually fulfilled. In this Light let us consider the Sinking-Fund: The Taxes from which that Fund arose, were all at first mortgaged to the Creditors of the Public, every Shilling arising from such Taxes were, by the express Words of the Bills, by which those Taxes were first established, mortgaged for Payment of the Principal and Interest, or at least the Interest of what Money was lent upon them; the Laws by which those Mort-

gages were made, are still subsisting, they stand as yet unrepealed, they cannot be repealed, but by the Consent of those, who lent their Money upon them, or by the Consent of those Persons, who now stand in the Place of the first Lenders; and while these Laws stand unrepealed, while there is a Shilling due upon any of the Mortgages thereby established, it is a Breach of public Faith, to apply any Part of the Produce of those Taxes to another Use, without Consent of those, who have now a Right to the Mortgage. I do not know, indeed, but in this Case, the tacit Consent of the public Creditors may be thought sufficient; but this is not the only Consideration; we ought to consider what is the Interest of the Nation in general, and every Man who considers the general Interest, must conclude, that the sooner we pay off our public Debts, the less they will cost us in the End, the less Interest we shall pay for them, and the sooner it will be in our Power to free the People from some of those Taxes under which they now so heavily groan.

I have already shewed, my Lords, what a Prejudice the Bill now before us, may be to the Credit and Esteem of the Nation abroad; and as I look upon it as some sort of Encroachment upon that national Faith, which is engaged to the Creditors of the Public, by so many solemn Acts of Parliament, I must think it will do a great Injury to our public Credit at home, among all Men who seriously reflect and consider the Consequences of Things: These are fatal Consequences, but these, my Lords, are not the most fatal! The diverting of this sacred Fund, and applying it to the current Service of this Year, is, in my Opinion, one of the greatest Injuries that can be done to his Majesty and his Family: To apply this Fund to current Services, in order to prevent the People's being sensible of any new Expence that has been brought upon them, and to enable Ministers to provide for that Expence, which their Measures have made necessary, without laying any new Tax upon the People, may perhaps be a good temporary Expedient for an Administration; it may give a Minister an Opportunity to vaunt, that he has relieved the Landed-Interest, that he has charged them with but one or two Shillings in the Pound, and by this he may put off the evil Day for the Time of his Administration: But this, my Lords, is ruining his Master, it is an undermining of the Government. Administrations are fleeting Things; Ministers are always changing; a mean, temporary Expedient may do for a Minister, who has no View beyond the Term of his own Administration; but his Majesty's Government is permanent, I hope it will endure in him and his Family for ever; and to make use of any little, temporary

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Expedient, which may in the End greatly endanger or distress his Majesty's Government, or the Government of any of his Family, is a most imprudent Step; at present, my Lords, I shall call it by no worse a name. The Bill now before us, I must look on as such an Expedient; it is nothing but a temporary Expedient for concealing from the People, the Expence which the Nation is to be put to for this ensuing Year: In a few Years the People, who are now eased by this Expedient, will all be gone; in a short Time, few or none of them will be alive, to express their Gratitude for the Ease they now meet with; and as the Ease given to the present Generation, will fall with double Weight upon Posterity, they must necessarily groan heavily under the Burden; they will have Reason to complain, they will have Reason to murmur, and most of them may, from that only Cause, become disaffected to his Majesty and his Family.

If we have any Respect, my Lords, if we have any Regard for the illustrious Family now upon the Throne, this Consideration ought to make us tremble, when we hear any such Expedient mentioned, as that now before us. But there is still another Consideration which ought to have great Weight: If we have a mind ever to be free of that Load of Debt the Nation at present labours under, particular Care ought to be taken, to make a proper Application of the Sinking-Fund during all Times of Peace; for if this Nation should happen to be engaged in a War, we cannot suppose, that the Sinking-Fund will amount to near so much as it does at present; I am indeed afraid, it would, upon such an Emergency, almost entirely vanish; and this ought to be particularly taken Notice of by those, who may now perhaps be forming Projects for raising new Debts upon the Credit of the Sinking-Fund. The true Nature of this Fund, is very little understood by those who imagine, that it has been all got from the Diminution of the Interest payable to the Creditors of the Public. It is very well known, that by the Diminution of Interest in the Years 1717 and 1727, we got in the whole but 697,000 *l.* annual Income, and out of this Sum we ought to deduct the annual Sum of 100,000 *l.* since added to the Civil List, we ought to deduct the Salt-Duty, which has been lately taken from the Sinking-Fund, and made a Fund for contracting a new Debt, and we ought to make many other Deductions I could name, all which added together, amount to the yearly Sum of above 690,000 *l.* so that properly speaking, it is but a most inconsiderable Part of the present Sinking-Fund, that can be said to arise from the Diminution of Interest payable to the Creditors of the Public.

The

The real and the chief Foundation of our present Sinking-Fund is to be looked for, my Lords, in a very different Article; the greatest Part of it arises from the Encrease of our Taxes above what they produced in Time of War. The Produce of those Taxes, which were imposed for Payment of any Money raised during the War, was computed according to what they brought in yearly at that Time; but now in Time of Peace, every one of those Taxes produces a great deal more yearly than it did at that Time, and it is from this Encrease, that the greatest Part of our present Sinking-Fund truly arises. This will appear evident from comparing the Produce of our Customs and Excise now in Time of Peace, with what they produced in Time of War. In ten Years of Peace, at least a Sort of Peace, from *Christmas* 1722, to *Christmas* 1732, the Customs produced, upon an annual Medium, 1,603,805 *l.* whereas in the last ten Years of the War they produced, upon an annual Medium, but 1,260,732 *l.* the Difference of which is 343,073 *l.* yearly Produce more in Time of Peace than it was in Time of War; but there having been an Alteration made since the Year 1712, and before the Year 1722, in relation to the Drawbacks of the old Subsidy, and in relation to the Duties on Coffee, Tea, Chocolate and Brandies, which, since the Year 1712, and before the Year 1722, were taken from the Customs and turned into Excise, the Produce of both these Articles, which we may reckon at least at 200,000 *l.* annually, ought to be added to the annual Produce of the Customs for the ten Years, from *Christmas* 1722 to *Christmas* 1732, or it ought to be deducted from the annual Produce of the Customs in the last ten Years of the War; in either of which Cases, it will make the Difference between them 343,073 *l.* yearly Encrease in the Branch of our Customs only. Then, my Lords, with respect to the Excise, we shall find, that the Excise on Beer and low Wines (without including that on Coffee, Tea, Chocolate and Brandies) for three Years, from *Midsummer* 1729 to *Midsummer* 1732, at an annual Medium, amounted to 1,238,902 *l.* and the same Excise in three Years of the War, from *Midsummer* 1709 to *Midsummer* 1712 (being the only three Years after the additional third) was, at an annual Medium, but 897,662 *l.* the Difference between which two Produces, is 341,240 *l.* yearly Produce more in Time of Peace than it was in Time of War; and these two yearly Encreases amount to the Sum of 884,313 *l.* which comes all in yearly to our Sinking-Fund, by the Encrease of our Taxes now in Time of Peace, more than they produced in Time of War: It is true, it may be said, that the Duties upon Coffee, Tea, Chocolate and Brandies, have likewise greatly increased, and

therefore

Anno 8. Geo. II. therefore the whole Sum of 200,000 *l.* ought not to be deducted from the 1,260,732 *l.* Let us then deduct a proportional Sum, which is 157,224 *l.* the Produce of the Customs in Time of War will then appear to have been, at a Medium, 1,103,508 *l.* but then the Encrease of the Duties upon Coffee, Tea, Chocolate and Brandies, or the Difference between 200,000 *l.* and 157,224 *l.* which is 42,776 *l.* must be added to the Produce of the Customs in Time of Peace, in which Case, the whole will amount to 1,646,581 *l.* so that the Difference comes out to be the same.

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I hope your Lordships will excuse me for making use of so many Calculations; for the Affair now before us is of such Importance, that it deserves the most serious, the most minute Consideration. Figures, my Lord, cannot err, and by them it evidently appears, that near 900,000 *l.* of our present Sinking-Fund arises annually from the Encrease of our Customs and Excises: Can we suppose, that such an Encrease would continue, if this Nation should be involved in War? Are we not rather to suppose, that both would suddenly decrease, and would in a short Time come to the same, or very near the same Standard they were at during the last War? In such a Case, could we hope to discharge any great Part of our Debts yearly, by means of our Sinking-Fund? Could we hope to contract new Debts, or to support a heavy and expensive War, upon the Credit of such a Fund? Those who are just sinking and ready to perish, may catch hold of any Twig, may build their Hopes upon any Chimeras; but I hope this Nation is not yet reduced to such a Condition, as to trust to a Twig, which must sink as soon as we catch hold of it, I hope we will never place our Security in any thing, but what has a solid and a lasting Foundation; and a solid and lasting Foundation we can find nowhere, but in the real Wealth and hearty Affections of our People: While the People are loaded with Debts, they cannot be said to have real Wealth; while they are over-burdened with Taxes, we cannot expect their hearty Affections; and as nothing can be so effectual for clearing them of their Debts, for relieving them from their Taxes, and for gaining their Affections, as a most religious Application of the Sinking-Fund, to the Uses for which it was originally intended, I must therefore be against the Misapplication proposed by the Bill now before us.

To this it was answered, in Substance, as follows, *viz.*

Answer.

‘My Lords, it is to me really surprizing to hear some noble Lords declaring the great Concern they have for the Credit of this Nation abroad, and at the same time, with the same Breath, doing all they can, to lessen the Credit and

and the Esteem of this Nation among Foreigners, by endeavouring to establish it as a Maxim, that even the Parliament cannot dispose of the Sinking-Fund to any Use, but that of paying off some Part of our Debts, contracted before the Year 1716; for if it were so, it is certain, no foreign Power would have such a high Notion of the Power and the Strength of this Nation as they would naturally have, if they knew that we had a Million Sterling coming in yearly, without laying any one Tax upon our People, which we might, as we thought fit, apply, either to the paying off some of our old Debts, or towards raising Forces for our own Defence, or for assisting our Friends, or punishing our Enemies. I must therefore think, that every Man, who has a true Regard for the Credit of this Nation among Foreigners, will, when he considers the Affair thoroughly, endeavour to establish the contrary Maxim; and I hope this House will, by passing the Bill now before us, endeavour to convince all Foreigners, that we have a Power, when we think it necessary, to apply the Revenue of the Sinking-Fund, towards their Assistance or Correction. When Foreigners consider, what great Expence we have been at this Year, in augmenting our Forces both by Sea and Land; and that notwithstanding such an Expence, we have laid but two Shillings in the Pound upon our Land, I am sure it will give them a greater Opinion of the Wealth and the Power of this Nation, and will contribute much more towards our Credit among them, than the paying off a Million of our Debt could possibly have done: They will consider, that we may continue the same Forces as long as we have a mind, without raising any new Taxes upon the People, and that whenever we find it necessary we may make very considerable Additions, by only encreasing our Land-Tax to what is usually paid in Time of War; and therefore we must conclude, that the Methods taken this Year for raising Money for the current Services, are the most prudent that could have been taken, for establishing the Credit and Esteem of this Nation abroad; and that they are no way inconsistent with any Obligation we are under to the Creditors of the public, I shall endeavour to demonstrate.

Even supposing, my Lords, the public Creditors had a Right to insist upon it, that the Sinking-Fund should never be applied to any thing, but the paying off some Part of the Debt due to them, yet it has been admitted, that their tacit Consent would be sufficient for giving the Parliament a Power to apply it to other necessary Purposes; and as no Objection has been made by any of the public Creditors, to the Application now proposed; as every one of them is, I believe,

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believe, glad to hear of its being so applied ; therefore, from any supposed Right in them, no Objection can be made to the Bill now before us ; so that at present, it seems to be an unnecessary Dispute, whether the Creditors have any Right in this Fund or no. However, as it may, in my Opinion, very much lessen our Credit abroad, as it might subject this Nation to very great Inconveniences, to suppose, that even the Parliament could not dispose of the Sinking-Fund to any other Purpose, if the Creditors should think fit to object to that Disposal ; I hope your Lordships will give me leave to state that Matter, in the Light in which it appears to me.

If the public Creditors, my Lords, have any Right to demand, that the Sinking-Fund shall never be applied to any Use but to the paying off so much of their Principal yearly, that Right must arise either from the Reason and Spirit, or from the express Words of those Acts of Parliament, by which the Sinking-Fund was first created. With respect to the Reason and Spirit of those Acts of Parliament, it must be deduced from that Cause, upon which they were principally founded ; and it is well known, that the Project which gave rise to those Acts of Parliament, did not proceed from any Terms offered by the Creditors : They never so much as thought of offering to give up a Part of their yearly Interest, in order to establish a Fund for paying off their Principal ; but the Foundation of that beneficial Project, and the true Cause of those Acts of Parliament was this, the natural Interest of Money had decreased so much, and the Credit of our public Securities had become so extensive, that some Gentlemen, who had the Good of their Country much at Heart, thought it was proper to take Advantage of the happy Circumstances the Nation was in at that Time, in order to lessen the Interest payable to the Creditors of the public ; for this purpose, they founded the Inclinations of some of the leading Men in the monied Companies, and other rich Men in the Kingdom, to see if they would lend the Government any large Sum of Money, at an Interest of 5 *per Cent.* and this was no sooner proposed, than it was agreed to ; by which it was found, that the Government could borrow at 5 *per Cent.* as much Money as would be sufficient to pay off all the Debts then redeemable by Parliament, which bore an Interest of 6 *per Cent.* or above : Thus the Project was soon brought to Maturity, and when the Proprietors of those Debts, found they were like to be paid off, they chose rather to accept of a less Interest for their Money, than to take their Principal, when they did not know where to place it out to any Advantage : They were so far from demanding
any

any Conditions, they were so far from insisting, that the Government should, lay themselves under any Obligations, that they readily came, and were glad of being allowed to accept of the Interest that was offered them; and why the Government should without being asked, without any Consideration, lay themselves under a peremptory Obligation, to apply the Savings, made by that Reduction of Interest, to the paying off the Principal, is what I cannot comprehend, is what cannot, I think, be supposed.

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Now, my Lords, with respect to the express Words of those Acts of Parliament, by which the Sinking-Fund was established, let us examine the Acts themselves, to see if we can find in any one of them such Words as can possibly be understood to mean, that the Sinking-Fund thereby established should, in all future Times, be inviolably applied to the paying off the public Debts, without leaving it in the Power, even of the Parliament itself, ever to apply that Fund to any other Purpose. The Acts by which the Sinking-Fund was first established, are, *The Act for redeeming the Duties and Revenues settled for paying off the four Lotteries, which is called the general Fund-Act: The Act for redeeming several Funds of the Bank of England: And the Act for redeeming the yearly Fund of the South-Sea Company*; which three Acts were all passed in the third Year of his late Majesty; and in the Preamble of every one of them, the Decrease of the common Interest for Money, is expressly assigned as the Cause for passing them, without the least notice taken of any Covenant between the public Creditors and the Government, about the future Application of the Sinking-Fund then established, which would certainly have been recited if there had been any such thing, or if any such thing had been intended. The Preamble of the Act for redeeming the Bank-Fund is very remarkable:—It recites, ‘That the Governor and Company of the Bank of *England*, in regard that the common Rate of Interest for Money, is very much lessened under your Majesty’s most auspicious Reign, are willing’—and soon after are these remarkable Words,—‘So as they may be satisfied the said last yearly Sum, till *Midsummer*, 1718, inclusively; and so as the future Payments of the said Sum of 88,751*l.* 17*s.* 10*d.* Farther, may be secured to them, from the said Feast-day till the Redemption thereof, and so as the said yearly Sum be made redeemable upon one Year’s Notice:’—Here my Lords, is the Contract between the Government and the Bank fully recited, and not one Word mentioned of a Covenant between the two contracting Parties, about the Application of the Sinking-Fund: And in this Act, when the Surplus or


Anno 8. Geo. II. Excess, occasioned by the Reduction of Interest, comes to be disposed of, it is expressly declared and enacted,—— ‘ That
 1735. ‘ the Excess or Surplus, which at any time shall or may be
 ‘ produced by the several Rates, Duties, Revenues, and In-
 ‘ comes thereby appropriated, shall attend the Disposition
 ‘ of Parliament, and be applied according to Act or Acts
 ‘ of Parliament in that behalf, and not otherwise.’—— By
 these Words, my Lords, this Excess or Surplus is so far from
 being appropriated to the paying off our Debts, that it is, in
 as express Terms as could be devised, left to the future Dis-
 position of Parliament.

The Preamble to the *South-Sea Act*, my Lords, is much to the same Purpose, the Words are —— ‘ And whereas the
 ‘ said Governor and Company are contented, in regard the
 ‘ Rate of Interest is very much lessened, to accept, after
 ‘ *Midsummer* 1718, one Annuity of 500,000 *l.* being after
 ‘ the Rate of 5 *l. per Cent. per Ann.* for the said ten Millions.’
 —— Here your Lordships likewise see the Reason why that
 Company was contented to accept of 5 *l. per Cent.* Interest :
 It was because the common Rate of Interest was very much
 lessened: This, my Lords, is the only Reason expressed; and
 if there had been any other Reason, it would certainly have
 been expressed. In like manner, the Excess or Surplus of
 the *South-Sea Funds*, are by this Act expressly declared to
 attend, from time to time, the Disposition of Parliament,
 and to be applied according to Act or Acts of Parliament in
 that behalf, and not otherwise: From which Words it is to
 me as evident as Words can make it, that this Excess or Sur-
 plus was not then designed to be disposed of at any one Time,
 or to any one particular Use, but was to attend the Dispo-
 sition of Parliament —— from time to time.—— So that I
 am sure neither the Bank nor the *South-Sea Company* can
 pretend to have, from either of these two Acts, any Right
 or Property in the Produce of the Sinking-Fund.

The only other Act by which the Sinking-Fund was esta-
 blished, is that I have mentioned, which is called, *The ge-
 neral Fund-Act*; and in the Preamble of this Act likewise,
 my Lords, the Cause or Consideration for passing the same,
 is expressly mentioned to be, That the common Rate of In-
 terest for Money had been very much lessened; after
 which the End and Intention of the Act is likewise men-
 tioned in these Words,—— ‘ Now, to the end a sufficient
 ‘ Fund may be established, for Payment of all the Annuities
 ‘ which shall be payable in pursuance of this Act, it is
 ‘ enacted,’—— These Words I beg your Lordships would
 take particular notice of; because, if there had been any
 Intention to appropriate the Sinking-Fund, thereby establish
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ed, to the Payment of the public Debts, and to no other Use whatever, there would certainly in this Part of the Act have been added some Words to this Effect, — ‘ And likewise, ‘ that a sufficient Fund may be established for Payment of ‘ the principal Sums for which those Annuities are to be ‘ payable, it is enacted,’ — From all which I think it is evident, that none of the public Creditors, whose Interest was at that Time to be reduced, made any Contract with the Government, or desired to lay the Government under any Obligation for applying the Produce of the Sinking-Fund to the Payment of the principal Sums due to them, and to no other Purpose whatever; and in that case we must suppose that the Clause in this last Act, by which the Surplusses in the three Acts I have mentioned, are directed to be applied to the Discharge of the national Debts incurred before 1716, in such Manner and Form as should be directed and appointed by future Acts of Parliament, was never intended for any thing else but as a Direction for the Commissioners of the Treasury, and other Officers of the public Revenue, how, and by what Authority they were to dispose of the said Surplusses or Excesses: It was certainly never intended as an Implication of any Agreement or Contract with the public Creditors, or as a Law which no future Parliament could repeal, alter or amend, without the Consent of the public Creditors.

If then, my Lords it cannot be supposed from any thing that passed, or any thing that was enacted in the Year 1716, that the public Creditors, whose Interest was then reduced, stipulated any Appropriation of the Sinking-Fund to the Payment of the principal Money due to them, I am sure the Creditors concerned in the Irredeemables, can much less be said to have made any such Stipulation; for it is certain, they were no way concerned in the Transactions of that Year; and as for the Transactions of the Year 1720, it can as little be said, that they then stipulated any thing from the Government, because that whole Transaction was carried on between the Government and the *South-Sea Company*; and that Company never desired any thing more from the Government, but only a Liberty to encrease their capital Stock, by redeeming, purchasing or taking in the redeemable Debts, and the irredeemable Annuities, providing that their capital Stock might be encreased according to the Terms, and in the Proportions in the Preamble of that Act mentioned; and that they should have such an Annuity upon their Capital so encreased, as is therein stipulated; all which, your Lordships may see in the Preamble of that Act; but in no Part of it, nor in any Part of the Act, is there the least Intimation

Anno 8. Geo. II. 1735.  of any Covenant or Contract between the Government and the Company, that the Surplusses or Excesses to be thereby created, were to be appropriated to the Payment of our public Debts, and to no other Purpose. It is true, the Commons here declare their being desirous to have the public Debts and Incumbrances lessened as fast as may be, with regard to Justice and the public Faith, and I believe every Man who wishes well to his Country, desires the same; but the Company, who were then the only contracting Party with the Commons, are so far from making any Stipulation for that Purpose, that they do not so much as declare their being desirous it should be so: From all which, my Lords, I think it is evident, that none of the public Creditors, have, either by the Intention and Spirit, or the express Words of the Laws by which the Sinking-Fund was established or increased, any Right to demand, that the Produce of the Sinking-Fund shall be applied to the paying off their Principal: On the contrary, I think it is as evident as Words can make it, that the Application of that Fund is entirely left to the Disposition of Parliament: That it ought to be applied to the Discharge of the national Debt, contracted before 1716, is what no Man will doubt; but that the general Interest of the Nation may require, and that the Parliament may order its being otherwise applied, without the Consent, or even against the Inclination and Prayer of the public Creditors, is what, I believe will be as little doubted by any Man who considers its original Institution.

Another Argument, my Lords, has been made use of against this Bill, which I must confess I do not well comprehend: It has been said, that it may be of dangerous Consequence to his Majesty and his Family: If I thought there were the least Ground for such an Argument, it would certainly be with me a most prevailing one: But when I consider the heavy Load that has for so many Years been laid upon the Landed-Interest of this Kingdom, I must think there is nothing more just than to take all Methods for giving them Relief; and how an Act of public Justice can be of dangerous Consequence to his present Majesty, or to any of his illustrious Family, I cannot comprehend. There was no other Way of raising the Money proposed to be raised by this Bill, but by laying four Shillings in the Pound, instead of two, upon Land; and in that Case, I am sure the landed Gentlemen would have complained, and would have had Reason to complain of our having loaded them with such a heavy Tax, when we had a Million in our Hand, which we might have applied towards their Relief. The Nation would have been very little sensible of the Relief given them by
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paying off a Million of our Debt, but the Landed-Interest would have been deeply sensible of so heavy a Tax, by which we must of course have raised a great many Enemies to his Majesty's Government, without procuring him any Friends : Whereas, when Posterity reflects upon the Necessity we are now under, and the dangerous Situation we are in, they will readily excuse our not having cleared them of a Million of Debt at such a critical Conjunction.

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I shall readily agree with the noble Lords, that a good Part of our Sinking-Fund arises from the Produce of most of our Taxes having greatly encreased since the last War ; but that this Encrease is entirely owing to the Peace we have enjoyed, is what I cannot, my Lords, admit ; for I am convinced that it arises from the Encrease of our People, the Encrease of our Luxury, and the superior Care now taken in collecting our Taxes, and preventing all manner of Smuggling. These I take to be the chief Causes of that Encrease in the Produce of our Taxes, which has happened since the last War ; and in this Opinion I am confirmed by this Observation, that the Encrease has grown up gradually, whereas, if it had been occasioned by nothing but the Peace we have enjoyed, it would have grown up all at once ; the Encrease would have been as great, or very near as great, the first Year after the Peace was established, as it is at present ; the contrary of which we know by Experience : Now, as neither of these Causes can be much affected by any War but a civil War, which I hope this Nation will never be engaged in, therefore I hope, and I think I have good Reason to hope, that our Sinking-Fund will be very near as large in Time of War as it is now in Time of Peace. I do not know that any Man ever formed a Project, or has so much as once had it in his Thoughts to mortgage the Sinking-Fund, or to raise any new Debts upon that Credit ; but, my Lords, if we were actually engaged in a War, I should think it a Maxim of the most dangerous Consequence to his Majesty and the royal Family, to load and oppress the Subjects with new and heavy Taxes, rather than apply the Sinking-Fund, yearly as it arises, to the Uses of the War, instead of applying it to the paying off the old Debts of the Nation ; and for this Reason I cannot think it of any great Service to his Majesty or to his Family, to endeavour to establish it as a Doctrine, that the public Creditors have an indefeasible Right in the Sinking-Fund, and that the same cannot be applied by Parliament to any other Use without their Consent.

But, my Lords, if the public Creditors had such an indefeasible Right in this Fund, it must then be granted, that
it

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it could not be applied by Parliament, even to the reducing of those Taxes which are most prejudicial to the Trade, most burdensome on the Manufactures, and most oppressive upon the Poor of this Nation : And yet I have lately seen a Pamphlet hawked about in the Streets, under the Title of a Protest entered by some noble Lords, upon this House's disagreeing with them in a Motion for our coming to a Resolution, that the Sinking-Fund should always be applied to such Purposes, and to none other. How this can consist with the Doctrine now advanced, that this Fund cannot be applied to any Purpose, but that of paying off the Debts of the Nation, contracted before the Year 1716, I must leave to other Lords to explain. However, they need not, I think, give themselves any great Trouble about getting over this Difficulty, for I have clearly shewn, that there is no Foundation for such a Doctrine. I have shewn, that the Sinking-Fund was at first intended to be left to the Disposition of Parliament ; that it was chiefly designed for paying off the Debts of the Nation, but that the Parliament may apply it to other necessary Purposes ; and I think there can be no Purpose more necessary, than that of preventing our being under a Necessity of Loading the landed Interest with four Shillings in the Pound ; therefore I must think the Bill now before us a most reasonable Bill, and I hope your Lordships will order it to pass.

The Reply to this was in Substance as follows, *viz.*

Reply. My Lords, I do not know what may be the Way of thinking among some People in this Nation ; but I am sure it is the general and the right Way of thinking, to compute the Strength and Power of a Nation, from that Revenue which it may apply towards a War without running in Debt, or loading the People with heavier Taxes than they will patiently submit to pay. A Nation may, upon some extraordinary Emergency, be obliged to run itself something in Debt ; but, as every Mortgage upon a private Gentleman's Estate, is a Step to the Ruin of his Family ; so every public Debt that is contracted is a Step to the Ruin of a Nation ; therefore no Nation, unless they are mad, will contract any Debt, as long as they can raise what is necessary for the Yearly Expence, by such Taxes as they think the People will patiently submit to pay ; and the People of every Country will certainly submit patiently to pay any Tax that can be laid upon them, if they have a Confidence in their Governors, and an Assurance that they will demand no Money, but what is necessary for the common Safety, and that the best and the most frugal Use will be made of the Money that shall be so raised. This, my Lords, I am sure,

sure, is the general Way of thinking among all Foreigners ; Anno 8. Geo. III.
 and whoever thinks in this Manner, will never admit that 1735.
 the Revenue, which ought to be applied to the Payment of
 our Debts, is a Revenue which contributes to our Strength
 and Power. In the last War we made many, I believe
 some unnecessary Steps, towards our Ruin ; every Shilling of
 old Debt we pay off, is, at least, a Step from our Ruin ;
 and I with Grief reflect, upon our having made so few,
 during such a long Term of Peace and Tranquillity :
 But as all, or most of our Debts, bear an Interest of 4 *per*
Cent. every Misapplication of the Sinking-Fund, is not only
 neglecting to make a Step from our Ruin, but is likewise
 making a new Step towards our Ruin, by bringing a new
 Debt upon the Nation, I mean the growing Interest for that
 Money which ought to have been paid off. By the very Bill
 now before us, we bring a new Debt of 40,000 *l.* upon the
 Nation ! This Sum, 'tis true, in *English* Money, has but a
 small sound, but in *French* Money it makes above 800,000
Livres ; and what will a *Frenchman* think of this Nation
 when he hears, that now, in a Time of Peace, we have not
 only neglected to pay off a large Sum of old Debt, but have
 contracted a new Debt of near a Million of their Money ?
 Will he not say, that we are either mad, or that the People
 are already so loaded with Taxes, or have so little Confi-
 dence in their Governors, that they will not patiently sub-
 mit to pay any additional Tax ? Can this, my Lords, add
 to the Credit or Esteem of the Nation among Foreigners ?
 Can it contribute to render any of his Majesty's Measures
 effectual ?

But this, my Lords, is not the only Step we have this
 Day made to our Ruin, we have made another most terrible
 Step, we have contracted another new Debt of above ten
 Millions of *French Livres*, which must confirm every Fo-
 reigner in his Opinion, of the pitiful Circumstances we are
 reduced to. In order to save laying another Shilling upon
 Land, we have this Day made a second Mortgage upon the
 only Tax we had to mortgage, and therefore I am surpris'd
 to hear it so much as insinuated that we have, or that Fo-
 reigners will believe we have, a Tax of 2 *s.* in the Pound
 upon Land, which we may lay on when we please, and
 which we may apply towards increasing our Forces in Case
 of a War ; for whoever considers what we have this Day
 done, must necessarily conclude, that we have not, at most,
 above a Shilling in the Pound Land-Tax, which we can ap-
 ply towards encreasing our Forces either by Sea or Land ;
 and how short that Sum would be of the Expence necessary
 for

Anno 8. Geo. II. for supporting a War, every Foreigner, as well as every one of your Lordships, may easily judge.

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The tacit Consent of the Money-Companies may, perhaps, be some sort of Excuse for what is proposed to be done by this Bill ; but it is far from being an Authority absolutely sufficient ; for such an Authority can only be obtained from the general Courts of the respective Companies : Such a tacit Consent as we have at present, may flow from the Negligence, perhaps the Fraud, of the Managers, which the Proprietors may afterwards find great Reason to complain of ; and when they begin to make such Complaints against their Managers, they will then certainly complain loudly against those who made a Handle of such a tacit Consent, in order to take away what properly, and of right, belonged to them. Nay, my Lords, as all Companies and Corporations are something in the Case of Infants, even their express Consent could not justify the Application of the Sinking-Fund to any other purpose, unless there were really a Necessity for such Application ; and I am convinced that no such Necessity can be pleaded at present ; for, in my Opinion, we had no occasion to be at any extraordinary Expence, no more than any other of our Neighbours not engaged in the War ; and if there had been an apparent Necessity for any such Expence, our People would have agreed to raise it by some new or additional Tax, rather than to have had that sacred Fund diverted from the Uses for which it was originally intended.

I have read, my Lords, in a Pamphlet lately hawked about, some Sophistical Arguments for proving, that the public Creditors have no Right or Interest in that Fund, which every Man allows, was principally intended for their Payment, and without which, it is certain, they never can be paid ; but I little expected ever to have heard those Arguments repeated in this House : However, as they have been most minutely repeated in this Day's Debate, I hope your Lordships will excuse me for endeavouring to shew, wherein their Fallacy consists ; and in so doing, I hope I shall be able to convince every Lord in this House, that the Creditors of the Public have a Right in the Sinking-Fund, not only from the Reason and Spirit, but from the express Words of the Acts of Parliament by which it was established ; and indeed the Words are so express, that I am astonished to hear their Right controverted, especially in this House, where a most religious Regard for private Property has always been preserved.

My Lords, when a Motive founded upon private Interest as well as a Motive founded upon public Interest can be assigned for any Project, I am always apt to imagine, that the

Motive

Motive founded upon private Interest gave the first Rise to the Project, and was the principal Cause of its being carried into Execution: And, according to this Rule, if we examine the Project for establishing the Sinking-Fund, we must believe, that the first Rise of it proceeded not from any Gentleman, who had only the good of his Country much at Heart, but from some Gentleman who had the good of his own Family, as well as the good of his Country much at Heart. Before the Year 1716, the Proprietors of the Redeemables had indeed an Interest of 6 *per Cent.* secured to them by Law; but, as there was no Fund then settled for the Payment of their Principal, they could have no Expectation of ever being paid, or at least not till the Terms of the Irredeemables should be all expired, and in such a long Time they did not know, but that the Distresses of the Public might put a Stop to the Payment of their Interest, as well as disappoint them entirely of their Principal. In this dangerous Situation, no Man of common Prudence but would conclude, that it was better (at least for his Family) for him to have but 5 *per Cent.* Interest, and a certain Fund established for paying off the Principal in a short Term of Years; and from thence the Project for reducing the Interest, and thereby establishing a Sinking-Fund, originally and principally proceeded. Ministers, or perhaps some of their Projectors, might have had a Project in their Heads for reducing Interest; but till it came into the Heads of some of the chief Monied Men in the Kingdom, it was nothing but a Project, a meer Chimæra; and for this Reason I am convinced, that the Project never came to any Perfection, till the Managers of the Bank and South-Sea Companies offered, not only to accept of an Interest of 5 *per Cent.* for what was due to their respective Companies, but to assist the Government with Money at the same Interest, for paying off the other Redeemables, who should refuse to accept of such an Interest: However, whether they made the Offer, or only agreed to the Proposition when made to them, is not material; but one or the other must have been the Case, before that Project could be carried into Execution; and as we must suppose, that the securing the Repayment of their principal Money, was the chief Thing they had in View, is it possible to suppose, that they would make such an Offer, or agree to such a Proposition, without stipulating that the Sinking-Fund, thereby to be established, should be appropriated to the paying off the Principal? It is impossible to make any such Supposition; and therefore their Right to the Application of this Fund, arises in the most clear and evident Manner, from the Reason

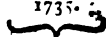
Anno 8. Geo. II. son and Spirit of the Transaction upon which those Laws were founded.

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After this Contract and Agreement was made between the Government and the two Companies, and not till then, it began to be possible to carry the Project into Execution; and one of the first Steps taken was, for the House of Commons to resolve, *That all Savings by the proposed Reduction of Interest, should go towards discharging and reducing the National Debt.* These, my Lords, are the express Words of the Resolution: They are absolute and unconditional, and from that very Moment every Man who had any Share, or afterwards purchased any Share in the Redeemables, must have believed, that by his accepting 5 *per Cent.* instead of taking his Money, he thereby acquired a Right to have the Savings applied to the Payment of the Principal; which Right he must have thought as absolute and unconditional, as was the Resolution of the House of Commons upon which it was founded: And now to pretend, that there was no Contract or Agreement between the Government and the two Companies, or between the Government and any of the public Creditors, because that Contract was not fully and particularly set forth in the Preambles of the several Acts of Parliament, is such a catching at Words, as, I believe, would hardly be made use of by a common Lawyer in *Westminster-hall.* It cannot so much as be pretended, that, without the Assistance of the two great Companies, the Government could then have borrowed, at 5 *per Cent.* as much Money as would have been sufficient for paying off all the Redeemables; and as they could have no other Motive, from private Interest, for agreeing to assist the Government, but only the Right they were to acquire to the Savings got by a general Reduction of Interest; therefore, though it had not been expressly stipulated, we must conclude, it was implied in their Agreement; and if they had no other Right but by Implication, it would be doing them Injustice to rob them of such a Right.

I must now beg leave, my Lords, to touch a little upon the several Acts of Parliament by which this Right is, I think, clearly established. With regard to the Preamble of the Bank-Act, it is indeed recited in this Act as well as the others, *That the common Rate of Interest for Money was very much lessened;* but this was not the real Cause of either of the Acts; on the contrary, I believe, that the common Rate of Interest being lessened, was chiefly owing to the Resolution upon which these Acts were founded; however it was necessary to make this a Pretence, not only to induce the Proprietors of the two Companies to approve of what



what their Managers had done, but to induce as many of the other Redeemables as it was possible, to accept of the 5 per Cent. Interest that was to be offered them. In this Preamble are likewise recited some Stipulations, that related particularly to the Bank; but as this Act relates particularly to the Bank, the general Contract, the general Stipulation, by which the public Creditors were to acquire a Right, to have the Savings appropriated to the Payment of their principal Sums, could not be recited neither in the Preamble of this Act, nor in the Preamble of either of the other two, because the Bank was not to acquire a particular and separate Right to the Savings that were to arise by the Reduction of their Interest; nor was the *South-Sea* Company to acquire a particular and separate Right to the Savings that were to arise by the Reduction of their Interest; nor were the other Redeemables to acquire any such Right to the Savings by the Reduction of their Interest, but all of them were to acquire a general and joint Right in those Savings, that were to arise by the Reduction of the Interest payable to them; and therefore it would have been improper, it would have been absurd to have recited this Agreement in any one of the Acts, or indeed to have recited it at all; the only proper Way of mentioning the Agreement was by performing it, and that was done by a general Clause in one of the Acts, as I shall immediately shew to your Lordships.

With respect to the disposing Clause in the Bank-Act, as well as the disposing Clause in the *South-Sea* Act, it is evident that both of them refer to some Act or Acts of Parliament that were to be made, for the Appropriation of those Surplusses or Excesses, in pursuance of that Agreement which the Government had made with the Bank and *South-Sea* Companies. When these two Acts were drawn up, it was not determined whether that Appropriation was to be made by one or more Acts of Parliament, or whether it was to be made by a particular Act for that Purpose, or by a Clause in some other Act; but it is plain, the Parliament then thought it might be done by one Act, otherwise it could not have been said, — ‘ according to Act or Acts of Parliament ;’ — for if that Appropriation had not been designed to have been made by Parliament, but yearly, as the Surplusses or Excesses arose, it must necessarily have required the passing of many Acts of Parliament for that Purpose ; and in such case the Words in this Clause must have been — ‘ According to Acts of Parliament in that behalf ’ — it would have been ridiculous to have said — *Act or Acts* in relation to a thing which could not possibly be executed by

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one Act: But the Truth is, it was at that Time resolved, to appropriate all those Surplusses or Excesses that should arise by all or either of these three Acts, to the Payment of Debts contracted before that Year; and it was resolved, that this Appropriation should be made by some Act or Acts to be passed in that very Session of Parliament; but that it should be left to future Parliaments to apply the Surplusses so appropriated, to the Payment of such of those Debts contracted before the Year 1716, as they should think proper: This was the only Power that was to be left to future Parliaments; and on Account of this Power only, the Words—*From time to time* — are inserted in the disposing Clause of the *South-Sea Act*.

As the Preamble of the general Fund-Act, relates only to the Creditors, whose Interest was by that Act to be reduced; therefore no Notice could be taken in the Preamble of that Act, of the Appropriation intended, because that Appropriation was to be general, and to comprehend all the Surplusses, arising by that, and the other two Acts, passed in the same Session of Parliament; and from hence, the noble Lord may find a very good Reason, why no such Words, as he was pleased to mention, could be inserted in that Act: But, my Lords, before this Act was passed, it was determined, that the Surplusses to arise by those three Acts, might be properly and sufficiently enough appropriated to the Uses intended, by the Agreement between the Government and the Bank, and the *South-Sea Companies*, by a general Clause in this last Act; and therefore, immediately after such a disposing Clause as is in each of the other two, there is inserted in this Act a general disposing Clause, in such express and peremptory Terms, that I must beg leave to read the whole to your Lordships. The Clause is in these Words,

— ‘ *All the Monies to arise from time to time, as well of the Excess or Surplus, by Virtue of an Act made this Session, for redeeming the Funds of the Bank of England, and of the Excess or Surplus, by Virtue of an Act made likewise this Session, for redeeming the Funds of the South-Sea Company, as also of the Excess or Surplus of the Duties and Revenues by this Act appropriated as aforesaid, and the Overplus Monies of the said general yearly Fund, by this Act established, shall be appropriated to the discharging the Principal and Interest of such national Debts, as were incurred before the 25th of December 1716, and are declared to be national Debts, and not provided for by Parliament, in such Manner, as shall be directed by any future Act, and to or for no other Use whatsoever.* ’ — This Clause, my Lords, is so explicit, and so express and particular, with respect to the

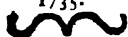
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the Appropriation of the Surplusses arising from these three Acts, that I am really prodigiously astonished, to hear it said in a serious Debate in this House, that the Proprietors of the Debts here mentioned, have not, by this Act, as full a Right in these Surplusses, as can possibly be given them by Act of Parliament. To pretend, that this Clause was designed only as a Direction to the Commissioners and Officers of the Treasury, is really most extraordinary. Does not every one of your Lordships see, must not every Man see, that the Words must then have run thus — *shall be applied in such Manner, as shall be directed by any future Act, and to or for no other Purpose whatsoever?* Is it not evident, that, if no immediate Appropriation had been intended, these Words — *appropriated to the discharging the Principal and Interest of such national Debts, as were incurred before the 25th of December 1716, and are declared to be national Debts, and not provided for by Parliament,* — must necessarily have been left out?

From what I have said, my Lords, it must, I think, demonstrably appear to your Lordships, that wherever the Project for establishing the Sinking-Fund, by reducing the Interest payable to the Creditors of the Public, took its Rise, it was impossible for the Government to execute this Project, without the Assistance, as well as the Agreement of the *Bank and South-Sea Companies*: That, besides the public Advantage, which might perhaps be some Inducement to them, they had likewise their own private Advantage; because they thereby rendered the Payment of their Principal secure, which would have otherwise been extremely precarious: That, as they had an Inducement from their own private Advantage, we must from the Nature of Things presume, that they made the securing them in the Enjoyment of this private Advantage, an express Condition in their Agreement, as well as in their Promise, to assist the Government in the Execution of the Project; and this Clause which I have read to you, we must therefore look upon, as a Clause expressly stipulated by these two Companies, and which they then looked on, as an absolute Security for the Enjoyment of that private Advantage they had in view: We must for this Reason confess, that these two Companies have a Right in the Sinking-Fund, not only from their previous Contract, but from the very Words of this Clause; and if the other Redeemables had taken or called for their Money, these two Companies must have paid the whole, consequently, their Right in the Sinking-Fund would then have extended to the full Value of all the Redeemables, whose Interest was then reduced. Must we not then in Equity conclude, that those

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those Redeemables, who did not call for their Money, but accepted of an Interest of 5 *per Cent.* come in place of the two Companies, and have a Right to enjoy the Benefit of their Contract? This, my Lords, I wonder to hear in the least controverted in this House, where so great a Regard has always been shewn to Equity, and to what appears to have been the Intention of Parties at the Time of contracting.

As for the Transaction between the Government and the *South-Sea* Company, in the Years 1719 and 20, from the whole Tenour of that Transaction, it appears, that the Company as well as the Government, supposed all along, that the Sinking-Fund, and Encrease thereof, should remain appropriated to the Paying off the public Debts, contracted before the Year 1716, and to that Use only; for could either the Company or the Government suppose, that any one of the Proprietors of the Redeemables would have subscribed his Debt into the *South-Sea* Company, if he had been thereby to give up the Right he then had for being paid his Principal out of the Sinking-Fund? Or could either of them suppose, that the Annuitants would have subscribed their Annuities at any Price into the *South-Sea* Company, if they had thought, that they were thereby to accept of a much smaller Annuity, without any Security for their Principal; and indeed without any tolerable Certainty for their Annuities being continued, so long as they were then by Law payable? Such Suppositions, either in the Company or in the Government, would have been ridiculous; and that neither of them made any such, appears almost from every Clause in the Act. From the whole Tenour of the Act, it appears, that the Meaning and Intention of both Parties was, that the Sinking-Fund and the Encrease thereof, should remain appropriated to the Payment of the public Debts, contracted before the Year 1716, and that it should never be applied to any other Use; and upon this Assurance it certainly was, that the Redeemables, as well as the Irredeemables, subscribed so readily into the *South-Sea* Fund. This was certainly the Design and the Intention of all the contracting Parties, both in the Year 1716 and in the Year 1720; and now to pretend, that there was no such Contract, that the Creditors have no Right in the Sinking-Fund, merely because this Contract is not recited in the Preambles of these Acts, in as full and ample a Manner, as a Conveyancer would perhaps have recited it in a Deed between private Parties, is a Method of Reasoning I am sure not to be used in this House.

It

It is true, my Lords, after a certain Provision was made, not only for paying the yearly Interest to the public Creditors, but likewise for paying off their Principal, in a small Number of Years; in a Term that was within every Man's View, and in such a short Term, that it was not probable this Country would, in that Time, meet with any such Disaster, as might interrupt the Payment either of Principal or Interest, it then began to be an Advantage to be among those Creditors, who were the last to be paid off; and the *South-Sea* Company, by a Clause in this last Act, wisely put themselves among the last who were to be discharged: But if the Doctrine now broached should prevail, if two or three more Misapplications, such as that now before us, should be made, this would soon cease to be an Advantage; the only Contest would be, who should be first paid off, because every Man would begin to be afraid, that an entire Stop would be put to the Annuity, as well as the Payment of the Principal, before the last Creditors could be paid off.

That the Landed-Interest ought not to be loaded with any unnecessary Charge, is what every Man will acknowledge; but our present Land-holders are all, I hope, Gentlemen of better Sense, than to desire that their Posterity should be ruined, for the Sake of giving them a small present Relief; and I am persuaded, there is not a Land-holder in *England* would either murmur or complain at his being loaded with four Shillings in the Pound, if he saw that it was absolutely necessary for the Preservation of his King and Country: But this, my Lords, is the Difference, and the true Cause of this new Doctrine, when any additional or new Tax is imposed, the People feel the Weight of the annual public Expence; this puts them upon enquiring into the Necessity for that Expence, and when they can see no Necessity for it, they not only murmur, but those Murmurs become dangerous to the Ministers, who subject the Nation to such an unnecessary Expence: Whereas no Man feels what is taken from the Sinking-Fund, therefore no Man enquires into the Necessity of that Expence, which occasions its being plundered; and for this Reason, it will always be looked on by Ministers, as a Fund which they may squander with Safety; but this may, and will probably at last, fall heavy upon some Prince of his Majesty's Family: At the same Time that he sees almost all the Revenues in the Nation mortgaged for old Debts, he may find himself engaged in War, as expensive as was that War which occasioned those Debts; and this is so melancholy a Prospect, that the meer Possibility of its existing must give the most affecting Sorrow to every Man, who

Anno 8. Geo. II. who has the Security and Honour of the present royal Family truly at Heart.

1735.

That the greatest Part of our present Sinking-Fund, is owing to the yearly Produce of our Taxes being much greater now than it was in Time of War, is, my Lords, what cannot be controverted, and that the Encrease is owing to the Peace we enjoy, is what can as little, I think, be controverted; for granting that the Encrease of the yearly Produce of our Taxes, is owing to the Encrease of our People, to the Encrease of our Luxury, and to the good Management and Exactness in collecting our Taxes, yet as these three depend upon the Peace we now enjoy, therefore it must be granted, that the Encrease of the yearly Produce of our Taxes depends also upon that Peace. If we were engaged in a foreign War, we should be obliged to send a great Army abroad, supposing we sent only 20,000 Men, we must allow that an Army of 20,000 effective Men, would carry at least 30,000 of our People out of the Kingdom; and considering the many Taxes our People pay at present, we may reckon that every Man and Woman in the Kingdom, one with another, pays at least a Penny a Day towards the public Expence; so that if by the War 30,000 of our People should be carried out of the Kingdom, by that one Article, there would be a certain Decrease in the Produce of our Taxes, to the Amount of near 46,000 *l.* yearly; to which must be added, the Decrease that would be occasioned by our sending out great Fleets yearly; for tho' our Ships of War, be generally furnished with the necessary Provisions at home, yet none of the Seamen on board consume so much of the Provisions of their own Country, or contribute so much to the Taxes, as they would do if they were living at home. With respect to our Luxury, it is a Maxim which always holds true, that People are never so luxurious in Time of War, as they are in Time of Peace; and as the Luxury of our People would decrease, we must therefore expect that the Produce of Taxes would decrease. But, my Lords, the greatest Decrease of all, would be occasioned by its being impossible to collect our Customs so regularly, or to prevent Smuggling in Time of War, so much as we do in Time of Peace: We should have our Coasts full of Privateers, and those Privateers would not only make it impossible for our Custom-house Sloops, to guard our Coasts against Smugglers, but would often become Smugglers themselves; and when a great Profit is to be got, it would be impossible to prevent our People's dealing with them. These Considerations must shew to your Lordships, that our Sinking-Fund would be but
a very

a very uncertain Foundation, for supporting a heavy and ex-Anno 8. Geo. II. penfive War.

1735.

With respect to our Power of altering, amending, or repealing any Law, it is not at present, my Lords, the Question before us; but this House has always been extremely cautious of doing so, when such Alteration, Amendment or Repeal, might probably hurt the Property of private Men; and the Bill now before us, must certainly be looked on, as a Repeal of all those Laws, by which the Sinking-Fund has been appropriated, to the paying off the Debts contracted before 1716; and tho' that Repeal may not immediately much injure the Property of the Creditors of the Public, yet it is laying a Precedent, by which their Property may at last be entirely annihilated; for the Necessities of State may at last be made an Argument for seizing, not only upon that Fund, which ought to be applied to paying their Principal, but upon those Funds which ought to be applied to the Payment of their Annuities; and if ever that happens, they will not only feel, but will complain loudly of the Bill now before us. The Sinking-Fund is as strongly and as firmly established for the Payment of their Principal, as the other Funds are for the Payment of their Annuities: In both Cases, I can look upon the Parliament, only as the Trustees of the People, and as such, I must indeed doubt, whether we have a Power to do what is proposed by the Bill. Let me suppose, my Lords, a Gentleman, who has a Mortgage upon his Estate, has settled 3,000 *l.* a Year Rent-Charge out of his Estate in Trustees, 2000 *l.* whereof to be applied by them yearly, towards paying the Interest, and 1000 *l.* to be applied yearly towards paying off so much of the principal Money due upon the Mortgage; suppose this Gentleman should afterwards grow a little extravagant, that he should apply to his Trustees, and tell them he had Occasion for that 1000 *l.* a Year, for the necessary Uses of his Family, and that as the Mortgagee did not want his Money, they might let alone paying off any Part of the Principal for that Year, in order to supply those Necessities which his Extravagance had brought upon him: Now, my Lords, I should be glad to know, whether the Trustees could comply with such a Request, or if they did, whether the Heirs of that Gentleman would be bound, by a Court of Equity, to approve of what the Trustees had done; I am apt to believe they would not; however, as I am no Lawyer, I shall not be positive, but would be glad the noble Lord upon the Wool-sack would give the House his Opinion upon the Case.

The Objection, that if the public Creditors had a Right in the Sinking-Fund, it could not be applied towards re-

Anno 3. Geo. II.
1735.

ducing any of those Taxes, which are most grievous upon the Poor, is an Objection that has already been made, and then received a full Answer, but as it is now again repeated, allow me, my Lords, to repeat the Answer. The public Creditors have a Right to have the Sinking-Fund applied yearly to the Discharge of some of those Debts which were contracted before the Year 1716; but the Parliament may apply it to the Payment of which of those Debts it pleases: As our Taxes are all mortgaged, for the Payment of some one or other of those Debts, no Tax can be reduced, till the Debt for which it is mortgaged be paid off; the Meaning of that Motion therefore was, that the Parliament should apply the Sinking-Fund, to the Payment of those Debts, for which our most grievous Taxes are mortgaged, in order that the Tax might then be reduced; so that in that Motion, there was nothing, my Lords, in the least inconsistent with that Right, which the public Creditors have in the Sinking-Fund; which Right is, in my Opinion, as good a Right, as the Right they have in those Funds, which are appropriated for the Payment of their Annuities; and therefore I cannot but give my Negative to the Bill now before us.

The Bill passed. The Question for passing the Bill being at last put, it was carried in the Affirmative, without a Division.

Speakers.

The Speakers in this Debate were, against the Bill, the Lord Carteret, the Lord Bathurst, and the Earl of Aylesford: And for the Bill, the Lord Hervey, the Duke of Newcastle; and the Earl of Ilay.

Scotch Habeas
Corpus Bill.

THE Bill for explaining and amending an Act passed in the Parliament of Scotland, in the Year 1701, entitled, *An Act for preventing wrongous Imprisonments, and against undue Delays in Trials*, having, after a long Debate, passed in the House of Commons the 5th of May, on the 9th of the same Month the said Bill was read a second time in the House of Lords, when a Motion was made by the Earl of Strafford, for having the said Act passed in Scotland in the Year 1701, read to the House; whereupon the Earl of Ilay stood up, and spoke to this Effect, viz.

The Earl of
Ilay's Speech against it.

My Lords, I shall readily join with the noble Lord in the Motion he has made for having the Act, to which the Bill refers, read to your Lordships: This I will rather agree to, because it has of late been industriously reported, that the Liberty of the Subject in Scotland is no way secured: It has, I know, been confidently asserted, that the Subjects in that Part of the Island, are still in a State of absolute Slavery; but when your Lordships have heard that Act read, you

you will see that there is no manner of ground for such Re-^{Anno 2 Geo. II.} ports. Your Lordships will see that the *Scots* have not been idle, whenever they had an Opportunity for securing their Liberties, or for amending, explaining, or enforcing that Part of their Law which relates to securing the Rights and Liberties of the Subject: Therefore I hope your Lordships will give all possible Attention to the reading of this Act; and as there are some Law-terms and Expressions in it which some of your Lordships may not perhaps so well understand, I shall beg Leave, after it is read, to give some short Explanation of them, from which I hope I shall be able to make it appear, that the Act stands no way in need of any Amendment or Explanation; and that the Bill now before us, instead of securing the Rights and Liberties of the Subject, will render them more uncertain and precarious than they were before.

The Act was then read, and then his Lordship stood up again, and, after giving a short Explanation of the *Scotch* Law-terms went on to this Effect.

Thus, your Lordships may see, that no Man in *Scotland* can be taken up or imprisoned, unless an Information in Writing, and signed by the Informer, be first exhibited against him; and when any Person is to be sent to Prison, the Magistrate who commits him is by Law obliged to express in his Warrant of Commitment, the Crime he is charged with, or the Cause of his Imprisonment; and farther, the Jaylor or Keeper of the Prison to which he is committed, is obliged to deliver to the Prisoner, a Copy of his Warrant of Commitment: Then, my Lords, with respect to Trials, if a Prisoner be not brought to his Trial within a certain Number of Days in the Act limited, he may apply to the proper Court, and upon such Application, that Court is by Law obliged to bring him to an immediate Trial, or otherwise to discharge him. And lastly, my Lords, with respect to Bail; if the Crime with which any Prisoner is charged, be bailable, it is expressly ordered by the same Act, that the Judge or Magistrate before whom he is brought upon any such Charge, shall admit him to Bail, and shall not require Bail for any great or immoderate Sum; nay, the Law goes farther, it limits the Magistrate to a certain Sum for which he is to take Bail, according to the Rank and Quality of the Person accused; and the Sums so limited, are by this Act so small, that even the Parliament of *Scotland* thought fit afterwards to encrease them to double the Sums first appointed.

From these few Observations, your Lordships may see that the Liberty of the Subject in *Scotland*, is as fully secured by this Act, as the Liberty of the Subject is in *England* by the *Habeas Corpus*; nay, with respect to Bail, the Liber-

Anno 8. Geo. II.
1735.

ty of a Subject in *Scotland* is, in my Opinion, better secured, because the Sum for which a Man is to give Bail, is there limited and ascertained; whereas, in *England*, the Sum for which a Man is to give Bail, is left entirely to the Discretion of the Judge or Magistrate who is to take the Bail. It is true, in *Scotland*, an Information upon Oath is not required; but that proceeds from the whole Spirit and Tenor of their Laws, by which an Oath is deemed so sacred, that it is not presumed, that any real honest Man will voluntarily subject himself to it; and whoever does so, is called an ultroneous Witness, which is in that Country always deemed a good Reason for suspecting his Evidence; and in all criminal Matters, the Lawyers and Judges of *Scotland*, have always been of Opinion, that no Witness ought to be examined upon Oath against any Man, but in a public Court, and in the Presence of the Prisoner, when he and his Counsel have an Opportunity, and have always full Liberty to cross-examine the Witness, and to make him explain fully every thing he says.

His Lordship then spoke to the several Clauses of the Bill, and endeavoured to shew the bad Consequences with which they would be attended, and then concluded with his being against committing of the Bill, for the Reasons he had offered; and because, that if there was any Cause for altering the Law of *Scotland*, he thought such a great Alteration as was proposed by that Bill, ought not to be made, but after the most full and mature Consideration, which he thought they could not have Time for, so near the End of a Session of Parliament.

To this the Lord *Carteret* answered in Substance as follows, viz.

Lord *Carteret*.

‘ My Lords, as I cannot pretend to any Knowledge in the Law of *Scotland*, much less to such a thorough Knowledge of that Law as the noble Lord who spoke last, I am at some Loss when I rise up, to speak to the Bill now before us. I will grant, my Lords, that the *Scots* have provided as well for their Rights and Liberties as they could, and that they have formerly endeavoured to prevent all the Dangers and Encroachments which could then be foreseen; but it is impossible, it would be vain in any Man, or in any Set of Men, to pretend to guard against all the Dangers that may thereafter arise. The Facts or Events which gave Occasion for bringing this Bill into the other House, are not, it is true, before us; but it is certain, and I have even heard, that some Things have happened lately in that Country, which shew, that all the Encroachments that may be made upon the Liberty of the Subject, are not sufficiently guarded against

against by the Act of the *Scotch* Parliament which has been Anno 8. Geo. II. now read to you : These late Occurrences, we may suppose, gave Rise to this Bill in the other House ; and as there are a great many Gentlemen in that House who thoroughly understand the Law of *Scotland*, we must suppose that they made it fully appear to the House, that some such Bill was necessary, before the Bill could pass in that House.

1735.

This, my Lords, is a general Reason, at least, for our not rejecting this Bill ; but from the Objections the noble Lord has been pleased to make to it, I plainly see there is a Necessity for passing some such Bill. It is, I think, most unreasonable, that any Man should be deprived of his Liberty, and subjected to the Danger and Expence of a Trial, perhaps for his Life and Fortune, upon a vague and general Information, not sworn to, but only signed by the Informer ; which he may, perhaps, have given out of Malice, or in a Passion. I shall always think that some sort of Evidence is necessary, before a Subject be imprisoned, or so much as prosecuted for any Crime ; and I am sure, the least Evidence that can, in such a Case, be required, is the Oath of one Witness. Another particular Reason for evincing the Necessity of some such Bill is, that I find it is neither the Law nor the Custom in *Scotland*, to examine the Person accused before he is committed to Prison ; yet this I must think ought always to be done, because, by such Examination, the Magistrate who grants his Warrant, may find, that the Information upon which he granted the Warrant, was false and malicious. This, my Lords, I am convinced of from Experience ; for when I had the Honour to be in a Place of high Trust under the Crown, there was a Fellow came to me, and gave me an Information upon Oath, of no less a Crime than High-Treason, against some Persons in *Wapping* ; which Information was so clear and distinct, and the Facts so probable, that I had not the least Reason to doubt of it ; however, as it was my Duty, I ordered the Persons accused to be brought directly before me ; and, upon examining them, I very soon found that it was a false and a villainous Information, given by a Fellow who had run deeply in their Debt, and had taken that Way to get free of what he owed them ; whereupon I dismissed the Persons accused, and had the Informer immediately secured : Of this Story I acquainted his late Majesty, who was so good as to order the Attorney-General to prosecute the Fellow for Perjury, of which he was accordingly convicted, and for which he suffered severely.

His Lordship then proceeded to examine the Objections made to the several Clauses of the Bill, most of which he endeavoured

Ann 5. Geo. II.

1735.

endeavour'd not only to answer, but to shew, that from each of them arose a strong Argument for the Necessity of passing some such Bill. Some of the Objections however he admitted, but shewed, that they might be very easily removed by Amendments, which might and certainly would be made in the Committee; and concluded with saying, That he hoped he had said enough to persuade their Lordships that they ought to commit the Bill, where they might make what Alterations and Amendments they thought proper; and if any of their Lordships should not be pleas'd with it when so altered and amended, they might throw it out upon the third reading; but this was not complied with, as appears by the following Protest enter'd the same Day.

Hodie 2da vice lecta est Billa, Entitled, An Act for explaining and amending an Act passed in the Parliament of Scotland, and in the Year one thousand seven hundred and one, Entitled, An Act for preventing wrongous Imprisonment, and against undue Delays in Tryals. Proposed to commit the Bill.

Question whether the Bill should be committed, passed in the Negative.

After Debate, the Question was put, Whether this Bill shall be committed?

It was resolv'd in the Negative, *Contents 28, Not Contents 68.*

Dissentient.

Protest thereon.

1. Because we apprehend a Bill of this Nature, sent up from the House of Commons, ought at least to have undergone the Form of a Commitment; since whatever was unnecessary or wrong in it, might there have been left out or amended. But several Matters contained in the Bill seem to us highly expedient to be pass'd into a Law; for by the Law of Scotland, as it now stands, any Judge may, by a summary Warrant, commit Persons upon Information sign'd without any Oath made, and without convening the Parties before him, or hearing what they can alledge in their own Justification, and send them to a remote Prison in any Corner of the Kingdom. No express Words in any Statute, do at present forbid such a Practice, and we have great Reason to believe that some Abuse of this unlimited Power did appear before the House of Commons, which might probably give the first Rise to the Bill.

2. Because, as the *Habeas Corpus Act* is the great Security of the Liberties of this Part of the united Kingdoms, it would be, in our Opinion both unsafe and ungenerous, not to extend the same Liberty to the other. For, should they, who have hitherto been brave Assertors of their Liberties,
and

find themselves exposed to Oppression, from which the rest of ^{Mano 8} their Fellow-Subjects are secured by Law, Necessity may prompt them to attempt, by Violence, to free themselves; or Revenge provoke them to become the Instruments of Power, and brings us under the same Dependence. And the History of the late Times sufficiently convinces us, that in those Reigns, when arbitrary Power was designed and attempted in this Kingdom, desperate and adventurous Agents were first sent to try the Experiment in *Scotland*.

3. Because there was a Provision in the Bill, to prevent an Abuse of seizing Persons on Pretence of Debt, and detaining them till the Elections were over, where they had a Right to vote; the Protection granted by the Bill was no more than what every common Court of Justice actually allows to any Evidence whose Presence may be necessary in Matters of much less Consequence: And we cannot help testifying our Surprize, that this Regulation has not already been made over the whole united Kingdoms: We hope however, another Session will not pass without taking effectual Care to prevent such a dangerous Abuse of Law.

4. Because Experience has shewn us the Benefit which arose from delivering the Subjects of that Part of the Kingdom from their Vassalage, and freeing them from a servile Dependence on their Superiors; and, as we conceive the Purport of this Bill was no more than a natural Extension of the same Measure, it would have been the most probable, if not the only Method to eradicate any remaining Disaffection; though we have no Grounds to suppose, from any late Transactions, that there is any such. On the contrary, those who were thought the most disaffected, have lately appeared sufficiently tractable. But what Disaffection the rejecting such a Bill may create, even among the best Subjects, and those who have always been most attached to the present Establishment, we cannot reflect upon without Concern. For, as the Union was made in support of the present Establishment, which is founded upon the Revolution, and the Revolution upon Principles of Liberty, they who have always asserted those Principles, may (as we apprehend) justly complain, that the Liberty of the Subject is not equally secured in every Part of the united Kingdom.

5. Because, we are apprehensive it will appear very extraordinary to the World, that a Bill for the Security of the Liberty of the Subject, should have been thrown out of this House without a Commitment, when so many Bills have passed for laying on or continuing severe and heavy Duties upon them. Remote Apprehensions, Dangers barely possible, and Suspicions of Disaffection, have been Arguments formerly

Anno 8. Geo. II formerly made use of on the Side of the Crown, for enacting the severest penal Laws upon the Subject; and we conceive it still more incumbent on the Legislature to be watchful over the Liberties of the People, committed to their Care, since it is much easier to restrain Liberty from running into Licentiousness, than Power from swelling into Tyranny and Oppression.

1735.

6. Because Liberty being the common Birth-right of all Mankind, and still preserved to this Nation by the Wisdom and Courage of our Ancestors, we think an Infringement of that Right, though but for an Hour, by wrongful Imprisonment, is not only an Injury to the Person immediately concerned, but a notorious Invasion of the Constitution. We should not deserve those Liberties ourselves, if we did not take the most effectual Methods to transmit them in their full Extent to latest Posterity, and to restrain, by proper Laws, any flagitious Attempts of Ministers prompted by Ambition, or drove by Despair, who may at any time hereafter endeavour to undermine or attack them. Humanity and Generosity particularly call upon us, who are distinguished by many Privileges and Advantages peculiar to ourselves, to secure to the People that Liberty which they have an equal Right to with us; a Blessing! the meanest Subject of this Kingdom ought ever to enjoy in common with the greatest.

*Chesterfield, Oxford and Mortimer, Montjoy, Haver-
sham, Suffolk, Foley, Cobham, Strafford, Bathurst,
Litchfield, Boyle, Berkshire, Coventry, Tbanet,
Gower, Winchelsea, Northampton.*

The Bill reject-
ed.

The Question having been thus carried against committing this Bill, it was therefore of course rejected.

The Parliament
prorogued.

On *Thursday* the 15th of *May* the King came to the House of Peers, and the Commons being sent for, his Majesty gave the Royal Assent to several public and private Bills, and closed the Session with a Speech, to be found in *Candler's Hist. Anno 8. George II. 1735. P. 101.*

As the following State of the national Debt was laid before the House of Lords this Session of Parliament, it may not be improper to insert it here.

To

To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled.

A State of the National Debt, provided or unprovided for by Parliament, as it stood 31 December 1733, and 31 December 1734, together with an Account of the Produce of the Sinking-Fund in that Year, and to the Payment of what Debts contracted before the 25th of December 1716, the said Fund has been applied.

EXCHEQUER.

A Nnuities for long Terms, being the Remainder of the original Sum contributed and unsubscribed to the South-Sea Company.
 Annuities for Lives, with Benefit of Survivorship, being the original Sum contributed.
 Annuities payable upon two or three Lives, being the Sum remaining after what is fallen in by Deaths.
 Annuities at 9 l. per Cent. per Ann.

Amount of the national Debt upon the 31st of December, 1733.	Increased between the 31st of Dec. 1733, & the 31st of Dec. 1734.	Paid off within the said Time.	Amount of the national Debt upon the 31st of Dec. 1734.
l. s. d.	l. s. d.	l. s. d.	l. s. d.
1,837,033 0 9			1,837,033 0 9
108,100 0 0			108,160 0 0
130,499 8 0 $\frac{1}{4}$		900 0 0	129,599 8 0 $\frac{1}{4}$
161,108 6 8			161,108 6 8

Annos.
1734

(521)

Anno 8. Geo. II.
1735.

	l.	s.	d.	l.	s.	d.	l.	s.	d.
Ditto on Lottery, 1710,	109,290	0	0				109,290	0	0
Annuities on the Plate Act, 6 th Georgii primi Regis,	312,000	0	0				312,000	0	0
Annuities on News and St. Christopher's Debentures, at 3 l. per Centum,	37,821	5	1 $\frac{1}{2}$				37,821	5	1 $\frac{1}{2}$
Exchequer Bills on the Victuallers Act, An- no 1726.	481,400	0	0				481,400	0	0
Ditto, made out for Interest on old Bills exchanged,	2,200	0	0				2,200	0	0
Annuities at 3 l. 10 s. per Centum, for the Year 1731,	400,000	0	0				400,000	0	0
Duties on Salt revived, Anno 1732,	325,000	0	0				147,393	19	10 $\frac{1}{2}$
Duties on Salt continued, Anno 1734.				1,000,000			1,000,000	0	0
<i>Engl-India Company.</i>									
By two Acts of Parliament 9 th Will. tertii Regis, and two other Acts 6 th and 10 th Anne Reginae.	3,200,000	0	0				3,200,000	0	0
<i>Bank of England.</i>									
On their original Fund at 6 l. per Centum,	1,600,000	0	0				1,600,000	0	0
For cancelling Exchequer Bills, 3 rd Geo- rgii primi.	1,500,000	0	0				1,500,000	0	0

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Anno 8. Geo. II.
1715.

	£.		s. d.		l.	s. d.	£.		s. p.	
	l.	s. d.	l.	s. d.			l.	s. d.	l.	s. p.
Purchased of the South-Sea Company, Annuities at 4 l. per Centum, charged on the Duty of Coals, since Lady-Day, 1719.	4,000,000	0 0					4,000,000	0 0		
Ditto charged on the Surplus of the Funds for Lottery, 1714.	1,750,000	0 0					1,750,000	0 0		
Ditto for Lottery, Anno 1731.	1,250,000	0 0					1,250,000	0 0		
	800,000	0 0					800,000	0 0		
<i>South-Sea Company.</i>										
On their Capital Stock and Annuities,	29,389,087	10 2½	86,884	4 8½			29,302,203	5 6½		
9. Georgii Regis primi.	47,393,539	10 9½	265,390	4 9½			48,128,149	6 0		
					1,000,000				523	

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